

## **Discovering the Locus of European Integration**

The contribution of planning to European governance  
in the cases of Structural Fund programmes, Trans-European Networks,  
Natura 2000, and Agri-Environmental Measures

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Een wetenschappelijke proeve op het gebied van de managementwetenschappen

## PROEFSCHRIFT

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*De illusie van gisteren  
is het ideaal van vandaag  
en de werkelijkheid van morgen*

*Alfred Mozer*



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By doing research into the process of European integration, a scientist easily raises the suspicion of being 'pro-Europe'. It is true that analysing the complexity of European policies and the finegrain of linkages with national policy processes makes it difficult not to show a positive fascination for it. Yet, as a researcher I am neither for, nor against 'Europe' and feel that it is important to sustain a critical scientific attitude. I do think that too little academic research is being done into the intricacies of European integration and the functioning of the European Union. It is there and it can't be ignored and it is definitely influential on the daily life of 370 million European citizens. With this book, I hope to offer some insight into spatial developments and planning in the context of the process of European integration.

Doing a 'European research', in particular in the field of spatial planning, means that a researcher needs to overcome many theoretical, but also many practical hurdles. Many organisations and people have given me inspiration and practical assistance to overcome these hurdles. Some deserve a particular word of thanks. First of all, this book presents the result of research undertaken at the spatial planning group of the University of Nijmegen. This university has provided an inspiring environment for this research. An important part of this environment was formed by the secretariat of the department of planning in Nijmegen, which deserves a word of gratitude. Anneli, Lily, Yvonne and Annet are truly supportive to and interested in the scientific work, which goes beyond their normal responsibilities of running the department.

The challenging academic atmosphere that is needed to sharpen the mind in many aspects of planning research was created by the group of (mostly young) researchers in Nijmegen. Without the entertaining and serious discussions with Roelof, Marco, Karel, Ursula, Jeroen, Froukje, Bas and all others, this research would never have been carried out. With hindsight, it can be said that such a truly remarkable group of young researchers lacks recognition as a crucial basis for a focused research programme, and it is sad that almost all of them have left (or will leave) academia. Also the research seminars with the planning professors contributed greatly to creating a proper scientific environment, as well as many discussions with colleagues of the other departments within the faculty. In the final stages of the research, notably writing this book, the work with colleagues of the Wageningen University and Research Centre on many research projects have provided new insights and ideas that have contributed to finalising this book.

Many sessions, discussions and meetings on European planning issues in the yearly AESOP congresses and the working group EUROPLAN of the Netherlands institute for spatial planning and housing NIROV have been a source of inspiration. They bear witness to the growing number of people, both scientific experts and practitioners that are interested in incorporation of spatial development issues and planning in European integration.

The hospitality of the University of Newcastle upon Tyne (UK) and the Westfälische Wilhelms Universität in Münster (D) were indispensable for carrying out the cases-studies, in particular the informative discussions with Patsy Healey, Dick Williams and Gerd Schulte. All libraries I have been using (Nijmegen, Wageningen, Amsterdam, Leiden, Newcastle, Paris, Münster) were staffed with helpful and skilled people. Elmy Peters of the Nijmegen law library deserves a special word of thanks for the excellent way in which she manages the European Documentation Centre, an indispensable and rich source of information for anyone who does research into European policies. The final styling of this book is done the result of the swift and excellent efforts of the Kartlab of the University of Utrecht.

Lastly, as any research, this research is indebted to all interviewees and other informants that have made available their time and knowledge. This research shows that European policy-making requires people that are able to cope with complex situations in their daily work. In spite of popular thought, the government officials and other 'bureaucrats' coming from companies and ngo's I have been talking to show a great commitment and interest in the issues they deal with.

Doing scientific research is not a 9-to-5-job, but is often taken home at night (if not literally, then mentally) and even imposes itself during weekends and holidays even when there is no specific deadline to make. In the continuation of this scientific work, I hope that I can count on the warm interest and support of friends and family as I could so far. This book is dedicated to Richard, whose enduring and annoying nagging about the practical uselessness of scientific research has greatly helped writing it...

*Willem Buunk*  
*Utrecht, august 2003*

<b>CAP</b>	Common Agricultural Policy
<b>CEC</b>	Commission of the European Communities
<b>CED</b>	Community Economic Development. A bottom up approach in the United Kingdom targeted to the most deprived residential areas.
<b>CNASEA</b>	<i>Centre National pour l'Amenagement des Structures des Exploitations Agricoles</i> of the French ministry of agriculture.
<b>Commission</b>	Commission of the European Communities, European Commission.
<b>Council</b>	See European Council.
<b>Council of Europe</b>	Other European international organisation than the European Union. Seat Strassbourg. Focuses nowadays on human rights
<b>Council of the European Union</b>	Council of ministers representing the member states, initially mainly the ministers for foreign affairs. Generally meets once a month. Nowadays, the meetings of the Council for a specific policy sector do much of the work. Not all meetings of ministers of European Union member states are official Councils with a task laid down in the Treaty. Relevant here are the Transport Council, the Agricultural Council, ECOFIN, Energy Council, Environmental Council, Social Council.
<b>DEPSE</b>	<i>Direction de la Politique Sociale et de l'Emploi</i> of the French ministry of agriculture
<b>DERF</b>	<i>Direction de l'Espace et de la Forêt</i> of the French ministry of agriculture
<b>DETR</b>	Department of the Environment, Transport and the Regions of the United Kingdom central government
<b>DG</b>	<i>Directorat-Général</i> . General-Directorates are the departments of the Commission of the European Communities
<b>DTI</b>	Department of Trade and Industry of the United Kingdom central government
<b>EAGGF</b>	European Agriculture Guidance and Guarantee Fund
<b>EC</b>	Commission of the European Communities, European Commission
<b>EIONET</b>	Network of scientific institutes, co-ordinated by the EEA, that provides the European Commission with information, datamanagement and advise for the common environmental policy

<b>ECU</b>	European Currency Unit. Administrative currency used for European funding mechanisms. A 'basket' in which all member states' currencies in the European Monetary System have a mutually fixed value
<b>EcoFin</b>	One of the sectoral Councils of the European Union, consisting of finance ministers. Deals with all budgetary affairs, therefore also most important for the structural funds
<b>EEA</b>	European Environment Agency
<b>English Partnerships (EP)</b>	English development agency, mainly for regeneration of derelict land. Established in 1994 funded by central government (DoE) operating from 6 regional offices in England.
<b>European Council</b>	European Council consists of Heads of State and Government. Meetings of the Council are so-called summits, in which also the President of the Commission participates and supported by the ministers of foreign affairs.
<b>ERDF</b>	European Regional Development Fund. One of the European Structural Funds
<b>ERT</b>	European Round Table of Industrialists
<b>ESDP</b>	European Spatial Development Perspective
<b>ESPON</b>	European Spatial Planning Observatory Network (to be established)
<b>EU</b>	European Union
<b>GD</b>	General Directorate (see DG)
<b>INTERREG</b>	Programme for interregional cross-border and transnational co-operation in the field of regional development and planning. One of the Community Initiatives in the European Regional Policy
<b>LEADER</b>	Community Initiative for the European Structural Funds (and CAP) for small scale rural development
<b>LIFE</b>	Community Initiative (L'Instrument Financier pour l'Environnement) provides funding for projects that support implementation of European environmental policy
<b>MEP</b>	Member of European Parliament
<b>NDC</b>	Northern Development Corporation, the Urban Development Corporation for the North-East of England
<b>NS</b>	Nederlandse Spoorwegen, the Dutch railway company
<b>PBKAL</b>	High-speed railway line between Paris-Brussels-Cologne-Amsterdam-London
<b>PMC</b>	Programme Monitoring Committee in the regional partnership for the programmes financed by the European structural funds
<b>PNR</b>	Parc Naturel Régional
<b>POS</b>	Plan d'Occupation des Sols
<b>Sectoral Council(s)</b>	Council of the European Union for one policy sector
<b>SME</b>	Small- and medium-sized enterprises

<b>SPD</b>	Single Programming Document defines priorities for subsidies in regions eligible for support from European structural funds
<b>SRB</b>	Single Regeneration Budget. British scheme for urban regeneration and reclamation of derelict land for new industrial use (brownfield development)
<b>Structural funds</b>	European funds for regional development (ERDF), social development (ESF) and agriculture and rural development (EAGGF). For particular problematic regions there is the Cohesion Fund
<b>TEN's</b>	Trans-European Networks
<b>TGV</b>	<i>Train a Grande Vitesse</i> , the French high speed train system
<b>Transport Council</b>	Official European Council of Ministers responsible for transport
<b>UEC</b>	<i>Union Européenne des Chemins de Fer</i>
<b>UIC</b>	<i>Union International des Chemins de Fer</i>
<b>URBAN</b>	Programme in the European Regional Policy for regeneration of urban areas (one of the so-called Community Initiatives)





The European Union is a unique international organisation with state-like characteristics in which a group of western European countries have developed an extensive co-operation that covers politics, law, and policies for various fields. So far, spatial policies or planning have not constituted a formal part of European policies. But as the process of European integration progresses in terms of the range of issues covered and the scope of policies, forms of spatial policy-making are also emerging. This research analyses this emerging spatial policy-making in different domains of European policy. The aim of this analysis is to understand the role of planning in the underlying process of European integration.

In this analysis, some key issues need to be dealt with that are not often related to each other in a single piece of research. Insight into the dynamics and development of European policies needs to be linked to insight into the nature of spatial policy-making and planning. Furthermore, the variety of emerging European spatial policy-making in several policy domains needs to be related to the variety of spatial policies in European member states. The analysis of actual processes of day-to-day spatial policy-making relates first and foremost to the contribution of planning to the dynamics of European integration.

## *Economic integration instigates progressive European integration*

From the very start in the early 1950s, the thrust of European integration has been to embed France and Germany in one international organisation in order to prevent yet another war on the continent. This political goal is still one of the main drivers of both political decision-making in the European Union and the process of European integration, even though the political goal is giving way to a persistent emphasis on economic co-operation and joint policy-making. In the beginning, this mainly concerned agriculture and the coal and steel sector, but later the emphasis shifted to the creation of one European market for all goods, services and for Europe's citizens – a single European market without internal administrative or physical borders.

After creating a common market for coal, steel and agricultural produce, it took four decades before market integration was almost fully realised in 1992. Almost – for even after 1992, various markets were still awaiting further liberalisation and regulatory harmonisation to prevent different degrees of intervention by national governments. Air transport is just one example of a market in which close ties still exist between governments and national airlines. Besides cases of government support to airline companies, the state-regulated access of foreign airliners to airports effectively influences the air transport market. Despite the incomplete harmonisation and liberalisation of some markets, economic integration can be seen

as the most far-reaching part of European integration. The national economic order in the various member states is gradually being replaced by a European regime of directives for the deregulation of economic traffic and the strict supervision of the free market within its external borders. The final stage is formed by the formation of monetary union and a single currency that brings an end to the eroding national autonomy in monetary and interest rate policy. The economic arena is enlarged and is contributing to a general trend of globalisation and internationalisation.

European integration is an ongoing process. There is no blueprint that marks an end stage of the final shape of the European Union as a policy system. European integration is a process in which new issues are addressed step by step and national competences are transferred further to the European tier which extends to a larger territory with the incorporation of new member states. The process of economic integration is closely connected to a range of policy domains, not least the environment. The inclusion of environmental issues in European policy is partly the result of political support in the wake of increasing concerns about environmental conservation. It is also inevitable, as differing national standards for environmental protection influence the operations of the single European market. The actual disappearance of internal borders and border controls also leads to new steps in the integration process, calling for closer co-operation in internal affairs and justice, migration and fighting crime. Furthermore, the co-operation between the member states reaches beyond the European Union territory. The realisation of Europe's internal market is directly linked to the liberalisation of the world market, which is why the member states operate jointly in the GATT negotiations.

#### *Successes of European integration and further steps*

European integration can generally be assessed positively in terms of its aims for economic integration. Yet, even with a view to this basic political goal, the European Union has not been entirely successful in safeguarding Europe from further violent confrontation and war – neither within nor outside its own territory. It is hard to understand why violent conflicts in Northern Ireland and the Spanish Basque region, that seem to be only a step away from civil war, are not on the European political and policy agenda. Apparently, the European Union offers little added value in solving these long-lasting violent conflicts despite the initial fundamental aims for starting European integration. In Northern Ireland, mediation can only come from outside Europe, from the United States. Furthermore, closer co-operation in military defence remains problematic. Co-operation in safety policy, foreign policy and military defence policy in the European Union is hampered by differences in political orientation between the member states, and remains fragmented in various international organisations such as NATO, the Western European Union and OVSE.

In other respects the process of European integration sets an appealing example for international co-operation. After starting with six member states in 1958, it gradually widened to the current fifteen with countries like Norway and Switzerland in such close association that they can almost be considered as member states. With another seven countries from central and eastern Europe in the final stages of

negotiations on full membership in 2004, the European Union runs the risk of collapsing under the weight of its own success. There is a fear of endless decision-making procedures, when over 25 ministers participate in Council meetings and the Commission has more than thirty members. After the Amsterdam (1997) and Nice (2001) summits failed to review the Treaty drastically in this respect, Europe's heads of government decided to set up a 'convention'. This convention has the assignment to draw up a constitution for the European Union. This constitution needs to set out a new formal basis for 'efficient, transparent and democratic' decision-making procedures that suit a enlarged European Union<sup>1</sup>.

The process of European integration is by no means finished. But in addition to the fundamental political aims of European integration and the institutional issues that need to be resolved for the expansion of the European Union, current European policies are being further widened and deepened. Practical day-to-day policy-making also keeps contributing to the dynamics and gradual progress of European integration. This widening and deepening of European integration covers a broad spectrum, including urban and social issues, environmental protection and nature conservation, transport and infrastructure, and water management, all touching on spatial development policies and land-use planning in the European member states. These are examples of policies that can only partly be understood in the context of the European core issues such as the realisation and operations of the single European market. They also point to an emerging European spatial policy-making. The developments in European policy-making during the 1990s raised the question of what the spatial dimension of the process of European integration is. The underlying question for many planners, both practitioners and academics, is whether there is a need for joint spatial policy-making or spatial planning at European level. This research addresses this question by introducing the concept of the 'locus' of European integration.

#### *Discovering the locus of European integration...?*

Given the variety of issues addressed in European policies and the variety in the ways of working of European policies it is not surprising that the geography of European integration is not clearly identifiable so far. With the creation of the European Union a new geo-political space has been created and the ever closer co-operation in various policy fields undoubtedly has a distinct influence on European space. This counts in particular for the effects of economic integration on spatial developments, e.g. due to increased internal economic relations, changing transport needs or changing agricultural practice. The European Commission and member states have made joint efforts to try and identify indicators for European spatial development in the Study Programme for European Spatial Planning (Nordregio, 2000) and currently the European Spatial Planning Observatory Network. Also the Commission White Paper on European Governance argues that territorial effects of sectoral politics need to be taken into account (CEC, 2001).<sup>2</sup> With this linkage

1 Aims for the Convention as set out in the Laeken Declaration.

2 Funded by the Interreg III Community Initiative in the European regional policy.

becoming gradually more clear, bits and pieces of what is the geography of European integration are being revealed. There is, in other words, a growing relevance of the link between the processes of political, economic and policy integration and the territory of Europe in which they take place. The question whether the process of European integration is becoming more closely linked to its geographical space is in this study considered to be one of the major issues for understanding further progress in the process of European integration. Below, the concept of 'locus' is introduced to help understand this link between European integration and the geographical space in which this process takes place.

The locus of European integration can be considered literally as the geographical space or territory in which the progressively intensifying co-operation of member states takes place. To some, Europe may even be equated to just one city: Brussels. 'Brussels' is synonymous for the location of the institutions of the European Union, and the impressive edifices of concrete, steel and glass as a visible seat of power. This holds a good deal of truth, as the location of European institutions often proves to be a disputed issue in its own right. The European Parliament has two official seats, one in Brussels and one in Strasbourg. The secretariat of the European Parliament and the European Court of Justice are located in Luxembourg. Furthermore, for each newly established European agency it often takes longer to decide which city is allowed to host it than to agree on its tasks and responsibilities.

'Europe' as the geographical territory for European integration also has multiple meanings. Until the fall of the Iron Curtain in 1989, European integration had an uncontested eastern border. Western European countries were able to participate, though some chose not to. Since 1989, the potential horizon of the integration process has widened to cover a Europe that stretches from the Atlantic coast to the Urals, the Black Sea coast and the Bosphorus. When Turkey gets its way in the future and negotiations on membership start, Europe may even cover a part of Asia. This is a 'Europe' in which the process of European integration extends to a territory with flexible borders. The locus of European integration can thus be considered as the physical space or territory, to which the process of integration relates.

Taking a closer look at European policies from this perspective on locality, the notion of locus refers to the way in which territory and geographical space is identified in European policies. There are a few comprehensive study-like documents on rural areas and regional development that made such an attempt. Furthermore, in a joint effort of the memberstate officials even a European Spatial Development Perspective is drawn up that depicts certain characteristics of the European spatial patterns, but it has a very limited formal meaning in European policy-making. What is meant here is that in various parts of European policies certain spatial development issues are identified that really show the connection of the process of European integration to its territory. In the course of time, European policies have inevitably become an important factor in determining spatial developments within the European territory. The common agricultural policy, traditionally one of the main drivers of European integration, has direct consequences for land use, landscape and nature in European rural areas. The

realisation of the single European market generally leads to increasing economic dynamics, albeit mostly in the economic core areas of Europe and less so in peripheral regions or regions with an 'old' industrial economy. There is a growing interest in European policies to identify the relationship between economic integration and the changing pattern of urban development e.g. to determine priorities in infrastructure development that suit the needs of growing transport flows. The locus of European integration can therefore be understood as the meaning that is attached to place and to spatial developments that are identified and addressed in the context of European integration.

As a result from this, another meaning can be attached to the concept of the locus of European integration. The locus of European integration can be taken in a less literal way as the formal institutional context and the informal policy processes in which new issues can be identified and addressed as part of the integration process. The range of action of European integration is formally and explicitly identified in European policies, notably in the treaties in which they are grounded. This is called the principle of attribution. There is another principle for policy framing. This principle of subsidiarity, and the principle of proportionality that is linked to it, indicates to what extent policy fields are addressed jointly from the European tier or what is left to the discretion of the member states. In practice, this division of competencies in European policies often covers regional and local government tiers within the member states as well. The European method of policy-making thus leaves ample discretionary powers to national policy systems (at all tiers), but adds a distinct European flavour. The widening and deepening of the co-operation between the European countries is also an expression of changes in government and governance in the member states themselves. National policy systems are in a state of change, and the emergence of European policy-making is part of this. National spatial policies are becoming linked to European policies, mutually changing the identification of spatial developments and the way they are addressed. The locus of European integration consists in this respect of a variety of settings for policy-making in which issues can be addressed with a view to realising the integration aims. There is a typical mixture of supra-national policy-making, intergovernmental policy-making and transnational policy-making in which multi-tiered policy networks are formed that offer the actual platform for the process of European integration. Discovering the locus of European integration, means searching for the way in which the spatial dimension of European integration is identified the policy processes in which this spatial dimension is being addressed.

### *Analysing European policy-making*

Analysing emerging European spatial policy-making implies dealing with a multitude of research questions. On the one hand, this study analyses the spatial dimension of European integration by looking at which are the spatial aspects that are being defined of issues at stake. On the other, this study analyses the way in which certain spatial development issues are addressed in the complex interplay between European policies and member states' spatial policies. In the following two

chapters, which form part I of this study, an overview is provided of the institutions and policies of the European Union to identify the spatial development issues that are addressed in it. The joint approach that is agreed upon at the European level for dealing with these spatial development issues is subsequently related to trends and developments in the spatial policy systems of four European member states.

In a first reflection on these findings, a theoretical and conceptual framework is developed. The concept of the locus of European integration is refined in order to gain an understanding of emerging European spatial policy-making in the context of European integration. The premise is that European spatial development issues are addressed in the complex interplay between European policies and member states' spatial policies as a form of European governance. The study searches for policy arenas that have become established around European spatial development issues which encompass elements of European policies as well as national policy systems. Four mechanisms of spatial policy-making direct the selection of cases for further analysis. The idea is that negotiated development, appealing spatial concepts, expert knowledge and existing local planning practice provide a complete overview of relevant mechanisms to understand the incorporation of spatial development issues in European policy process. The study seeks to reflect on how distinct planning mechanisms contribute to the establishment of policy arenas around European spatial development issues.

In part II of the study, four cases of European spatial policy-making are analysed. A thorough analysis is conducted of four different types of policy arenas around spatial development issues in various European policy domains. In European regional policy, policy arenas emerge around negotiations on the structural improvement of regions. The appealing spatial concept of trans-European networks in the common transport policy mobilises various policy sub-arenas around the development of new European infrastructure. In the case of Natura 2000 a policy arena is established with the exchange of scientific data that are needed to boost nature protection with the creation of an ecological network of nature areas. Finally, the agro-environmental measures in the common agricultural policy link up to existing locally vested policy arenas around the pursuit of improving the quality of rural areas. Part II thus contains four different stories about how spatial development issues that are closely connected to the process of European integration are addressed, describing four different ways in which planning contributes to European integration.

The final part of this study reflects on the four cases of emerging European spatial policy-making. This reflection focuses on the role of planning in discovering the locus of European integration. On the basis of the insight into the spatial dimension of European integration and how the spatial aspects of issues are brought to the core of European policy processes and decision-making, the role of planning is considered in terms of its contribution to the capacity-building that is needed for European governance.

## **Part I**

### **European Union and member states' spatial development trends**





## Emerging European spatial policy-making: crucial spatial development issues for European integration

### 1.1 Introduction

This book is about the emergence of European spatial policy-making, the development of European policies and the progress of European integration. Any study of the European Union is a daunting task. To begin with, it is difficult to define exactly what the European Union is. European politics and the scientific analysis of European integration employ various methods to describe what is essentially a unique form of highly ramified co-operation between a group of nation states. This book analyses the emergence of European spatial policy-making as a new field of joint action by the European Union member states.

The emergence of spatial policy-making is seen as a new step in the progress towards European integration. This presupposes that European integration is a dynamic process, in which new fields of joint action are added to European policies from time to time. As a result, the European Union is defined in diverse terms, ranging from an international organisation with nation-state characteristics, i.e. a 'fully-fledged polity', to 'an accepted arena for some shared policy regimes', or merely as a collection of 'shared policies to govern economic activities' (Wallace, 1996, pp. 4-7). The characteristic feature of the European Union which is addressed by this research is that it is the result of a dynamic process of European integration which leads to a 'transfer of policy competencies from countries to the European level' (Wallace, 1996). Emerging European spatial policy-making is seen as a new field of action for the European Union, in which the member states deal jointly with spatial development at European level, instead of at national level as before. Another characteristic feature addressed by this research is the nature of European policy-making. The European Union covers a range of policy-making methods that have been developed in the unique context of member states which adopt a joint approach to certain issues that also involve European institutions. The role of European institutions and the structure of European legislation are important factors in determining the nature of European policy-making. More recently, the notion of European governance has been added in order to arrive at a clearer understanding of how European policy-making operates while, in the European Union, the ideas on how to improve European governance have become an aim in themselves (CEC, 2001). This study analyses emerging European spatial policy-making. Emerging European spatial policy-making is seen as a new step in the process of European integration, adding new fields of action to European policies, as well as a new approaches to deal with issues in the context of European integration.

When discussing emerging European spatial policy-making, it goes without saying that spatial policy-making itself is questioned. Spatial policy falls within the domain of public policy, which aims to steer spatial developments. Traditionally, spatial policy-making in European nation states has been organised in a statutory planning system, in which a plan sets out a prospective conceptual outline of a spatial pattern that suits the future needs of society. Hence, spatial policy-making is often conceived as being synonymous with planning. In this research the term 'spatial policy-making' refers to a broad approach that includes all policies which seek to bring about spatial developments. Spatial policy-making consists essentially of decision-making processes that focus on the spatial aspects of an issue.

Notwithstanding this broad approach to emerging European spatial policy-making, this research starts in section 1.2 by investigating the role of various initiatives in developing conceptualisations of the European territory and European spatial planning in the policy system of the European Union. The next sections (1.3-1.6) will outline the formal framework of relevant European policies in order to clarify the formal context of emerging European spatial policy-making and to identify some of the drivers for its development. Each section analyses one field of European policy in which the emerging European spatial policy-making can be found: European regional policy, the common transport policy, European environmental policy and the common agricultural policy. In the final section (1.7) a first attempt will be made to grasp the emergence of European spatial policy-making. The guiding idea is that, in the context of European integration, certain spatial development issues can be identified which are apparently closely connected with the process of European integration.

## **1.2 The role of spatial policy-making in European institutions**

When one strips down an analysis of emerging European spatial policy-making to the role of spatial plans and spatial conceptualisation, one is, in essence, looking for the way in which the spatial pattern of European integration is identified. Up to the 1970s, there was almost no notion of the spatial pattern of European integration or of the impact of European policies as such. One of the most notable early examples of an awareness of spatial aspects of European policies is the common agricultural policy. The harmonisation of market and price regulation for agricultural produce concerns farmers in mountainous areas who need to cope with physical constraints on agricultural production. Given the shorter growing season at high altitudes and the difficulty of cultivating land mechanically on steep slopes, it is impossible for mountain farmers to compete in a single European market with farmers in more favourable circumstances in others parts of Europe. The first notion of a spatial focus in European policy is marked by the introduction of compensatory allowances for farmers in so-called 'less-favoured areas'. This also reflects a political desire to keep certain parts of the European territory inhabited and to preserve a type of economic activity that is vital to maintaining the landscape and natural value of

mountainous regions. Hence, less-favoured areas represent an initial conceptualisation of a European spatial pattern, even though they are identified by a limited set of physical factors, namely, the altitude and gradient of mountain slopes.

The slowly growing awareness of the implications of European integration and European policies for Europe's spatial pattern is also discernible in the way in which economic integration is related to differences in levels of socio-economic development in the European Union territory. The aim to create a single European market is considered disadvantageous in the short term for regions whose social and economic development is lagging behind. Since the United Kingdom joined the (then) European Economic Community, European regional policy has aimed to redress the unequal levels of social and economic development in Europe. The European Union structural funds' support programmes for structural improvements in these regions with a view to creating a certain cohesion throughout the European territory. The programmes that are developed in these regions for receiving European subsidies are often presented as coming closest to the planning and spatial policy-making in European policies, as they focus on infrastructural and other physical developments. It is also interesting to focus on the spatial pattern of these underdeveloped regions as identified by specific indicators at European level: low levels of GRP<sup>3</sup> per capita and the unemployment figures. The European agency for statistical information, Eurostat, is feeding further data into this regional development policy. Insight into the problems of structural development in these regions is deepened in European policies by data on youth unemployment, school dropout rates, the structure of traditional industry, investment in R&D, infrastructural needs, business sites and a range of similar issues.

Serious attempts are being made in European regional policy to broaden and deepen the insight into the diverse characteristics of the spatial pattern of socio-economic development in the European territory. The European Commission has produced a series of documents that build on annual and multi-year monitoring reports on the regional development programmes. The *Europe 2000* report strongly advocates the development of an understanding of the diversity of areas in European Union territory – cities and urban areas, rural areas, islands and coastal areas – but it scarcely succeeds in identifying problems or in offering perspectives within the context of European integration (CEC, 1992). Shortly after this first report, another was published in 1992, *Europe 2000+*, with a stronger emphasis on the interplay between European policies and changing patterns of spatial development (CEC, 1994b). This report calls for recognition of the ways in which European policies influence spatial developments which challenge national spatial planning systems. It suggests transnational spatial plans to grasp this European dimension and to offer a conceptual framework for policy-making.

There is another strand of far-reaching attempts in the European regional policy to define the spatial pattern of Europe. Firstly there are the Interreg programmes for interregional, cross-border and transnational co-operation in which European spatial

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3 Gross Regional Product, a measure for the level of economic output in an area.

concepts are developed with a view to promoting spatial planning as an instrument for European policy-making. These Interreg programmes are also part of the European regional policy and are funded by the European Regional Development Fund. Cohesion, balanced growth, and centre-periphery solidarity are important buzzwords that influence all subsequent initiatives for European spatial planning. The concept of the ‘balanced urban system’ which is introduced in the *Europe 2000+* report is developed further in one of the transnational studies, notably for the North Western Metropolitan Area (NWMA) (CEC, 1994b, pp. 97-112; CEC, 1996b). In this document the conceptualisation of the main urban areas in France, Belgium, the Netherlands, Germany, the United Kingdom and also the Central Capital Cities region (CCC), is taken further and leads to a focus on urban networks of interlinked urban core areas of Europe and relatively open areas in-between. This concept is further elaborated in the European Spatial Development Perspective (ESDP). The ESDP is the result of major efforts by some of the member states and the Commission in the period 1989-1999 towards the realisation of a comprehensive strategic spatial planning for European policies (Faludi and Waterhout, 2002). The main theme of the ESDP is the introduction of a new spatial development concept for the European Union, namely ‘polycentric spatial development’ or ‘polycentric system of cities’ (CEC, 1997; CEC, 1999a). Besides this, there are a couple of other concepts that address various fields of action in European policies, such as the ‘access to infrastructure and knowledge’ and the conservation of natural and cultural heritage (CEC, 1999, pp. 21-39). The ESDP incorporates national preferences for strong cities in the economic heartland of Europe, but it is also a clear echo of the overarching ambition for social and economic cohesion in the European regional policy. For the polycentric urban system a ‘balanced development’ is envisaged which presents a complementary urban-rural partnership. Also, the perspective on infrastructure in the context of spatial development is ‘parity of access’ to various types of infrastructure, including those for knowledge and information (CEC, 1999).

Natura 2000	Trans-European networks
<ul style="list-style-type: none"><li>• Ecological network of protected natural areas</li><li>• Establishment and legal protection provided for in directives</li><li>• Funding to support implementation and experimental management</li><li>• Sites defined according to strict scientific ecological insights</li><li>• Concept laid down in legislation; not covered by maps</li></ul>	<ul style="list-style-type: none"><li>• Infrastructural networks for various modes of transport</li><li>• Guidelines to promote the creation of projects to complete networks</li><li>• Additional funding for the selection of priority projects</li><li>• Networks indicatively identified at European level</li><li>• Concept indicated on maps (albeit rather unsophisticated ones), covered in documents, and in legislation</li></ul>

**Box 1.1** - *Two European spatial concepts compared*

However strongly its concepts may influence several European policies, the ESDP lacks a formal connection with actual decision-making. Its success depends heavily upon efforts by the European Commission and the member state ministers responsible for regional development and spatial planning, who do not form an official European Council. The Committee on Spatial Development (CSD) (Faludi and Waterhout, 2002) has made a cautious attempt to institutionalise the efforts to give planning a place in European policies. European spatial planning runs the risk of becoming, in itself, a valuable effort by professional planners, without being recognised as a useful tool for addressing European spatial development issues. In the meantime, there are two European policy concepts with a distinct territorial perspective which are embedded in current European policies: the Natura 2000 concept and the concept of trans-European networks (see Box 1.1). Natura 2000 envisages the creation of an ecological network of protected natural areas. The concept of trans-European networks envisages the creation of an interlinked network of various types of infrastructure throughout Europe.

The spatial concept of Natura 2000 is laid down in the habitat directive<sup>4</sup> of 1992. Despite the clear reference to a spatial pattern in the form of an ecological network of natural areas there is nothing in the document that bears even the slightest resemblance to a plan or a map of the lay-out, location or territorial range of the natural areas that will make up the European ecological network. The concept of Natura 2000, is expressed somewhat indirectly in the text of the habitat directive as a procedural path towards a further undefined spatial perspective. But as it is incorporated in a directive – the strongest possible form of European legislation – the Natura 2000 concept has direct consequences for decision-making on land use in the European member states. Natura 2000 is a spatial concept that distinctly envisages a perspective for future development (or better: future non-development) in specific parts of the European territory in order to conserve the quality of the natural areas that make up the ecological network.

The concept of trans-European networks envisages the creation of a complete and interlinked infrastructural network for rail, road, waterways, energy and telecommunication. This ambition to create trans-European networks has brought the issue of infrastructure firmly into the common transport policy. The concept is developed on the basis of lists of separate infrastructural projects that are designed to connect all parts of Europe, but with a clear emphasis on the urban and economic core areas of the European territory. The concept of trans-European networks was embodied in a set of decisions by the Council of Ministers in 1993 and later, in 1995, in more comprehensive realisation ‘guidelines’. These ‘guidelines’ make for a rather

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4 Directive 92/43/EC

5 Framework decisions, according to Kapteyn et al. (1995), have developed in the margin of Community legislation with a view to the implementation of community objectives or common actions of a general nature. These decisions are not binding unless this is specifically stated, but provide general principles for carrying out a common task or objective, in a specified period of time.

unorthodox formal set-up, which can be qualified as a framework decision<sup>5</sup>, which specifies the scope of joint action for the European Union and its member states with a view to 'contributing to...', 'promoting...', and 'undertaking action for...' the realisation of trans-European networks. The creation of these infrastructural networks involves solving missing links and connecting different types of infrastructure, as well as upgrading, improving and modernising existing infrastructure.

Both concepts use the metaphor of networks in relation to a European spatial pattern, even though these networks are completely different in nature. Apparently, the metaphor of networks is suitable for identifying spatial development aims for European policy-making, and for linking them to national, regional and local policies. By contrast, the aim for socio-economic cohesion in European regional policy is determined by a set of indicators and relies on programmes for structural funds to address the complex spatial development issues in the regions. In the common agricultural policy, getting to grips with the spatial pattern in rural Europe is a challenge whereby the diversity of rural areas needs to be related to local farming practices. These differences in the way Europe's spatial pattern is identified and addressed are considered below from the perspective of the institutional set-up of the relevant European policies.

#### *Formal structure of the European Union*

European integration is a process that leads to an ever-closer formalised co-operation between the member states of the European Union. Ever since it began in 1958, this co-operation has been laid down in treaties. The Treaty is therefore a crucial factor in the evolution of the European institutions. The member states jointly agree on this Treaty, which defines which of their tasks and competencies are transferred to European level to be undertaken jointly by the member states. The Treaty identifies the policy fields and outlines the way in which issues need to be addressed; it also provides for instruments and establishes the basis for the institutions of the European Union. Spatial policy-making has never been among the elements that are added to joint European policies when the Treaty is renewed. Yet, in due course, forms of European spatial policy-making are emerging in various European policy fields.

Each new treaty builds on the previous one, making modifications to the provisions and adding new ones<sup>6</sup>. The European Treaty that evolves from this process is very much the basic law of what has become a state-like international organisation. The European Union unites various communities and unions. The European Community of Coal and Steel, EURATOM, and the European Monetary Union jointly form the European Community that encompasses the former European Economic Community and which is one of three pillars of the European Union. Since the entry into force of Maastricht Treaty in 1993, the other two pillars have been the joint foreign and security policy and the policy on justice and internal affairs.

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6 This book refers to the numerical order of provisions of the Treaty after Amsterdam (signed 1997, entry into force 1999) that amended and renumbered the previous European Union (Maastricht) and European Community Treaties.

This step-by-step process of European integration has evolved into an international organisation that is currently shared by 15 member states. It may be compared to a house with many 'rooms' in which different forms of co-operation are arranged between the member states, and to which every now and then a new room is added for new activities. As a result, the European Union may be seen as nation state-like; in fact, it consists of a mixture of forms of co-operation between its member states. These forms can be predominantly characterised as 'inter-governmental' or 'supra-national'. European integration is borne by two European institutions of principle importance that reflect these two forms of co-operation: the European Council and resp. the European Commission.

The European Council represents the intergovernmental model as it is the most important platform for joint action of the European member states, represented by their 'heads of state and government'. The European Council meets at least twice a year to deal with the main issues. The European Councils leaves much of the work to the Councils of the European Union, which are official meetings for decision-making of sectoral ministers that meet monthly. One of these councils is the General Council of the member states' foreign ministers that stems from the time when European affairs were considered as foreign policy. The General Council formally has a co-ordinating task, but it is losing ground to the European Council (of the heads of state and government) that is occupies itself more and more with this co-ordination task. The other sectoral councils for Ministers of Finance (called ECOFIN), of Agriculture, of Transport, and of Justice and Home Affairs. The European ministers responsible for spatial policy and planning can only hold informal meetings, as there is no formal basis for decision-making in such a council. The intergovernmental institutional framework for European policy-making further covers a range of formal committees and ad hoc committees or high-level groups, mostly consisting of government officials from the member states.

The European Commission represents the supra-national approach to European integration, which has always had a tendency to take a progressive view on the integration process. The Commission consists of members put forward by of each of the member states, but forms an independent college serving the common policies. The Commission is responsible for implementing European policies and for drafting proposals for new legislation. This likewise applies to the European Court of Justice and the European Parliament. Traditionally, the Court is liberal in its interpretation of European legislation in order to pursue the common goals. Despite the direct election of its members, the European Parliament also tends to promote the supranational perspective more strongly than the national perspective.

There is a delicate equilibrium in the balance of powers between the European institutions, but in the end it are the heads of state and government in their European Council meetings that lead the new formal steps in the process of integration. The European Council clearly operates as the highest institution of the Union, as it directly represents the parties to the Treaty (i.e. the member states) and can thus create its own competencies.

The European Council in effect is an institutionalisation of the summit of 1974

when the European Council made the necessary arrangements for its own operations. That said, the European Council can also operate on the basis that is foreseen in the Treaty for the general council'. By taking e.g. conditional decisions, without prior preparation by the Commission, the European Council brings itself within the sphere of competency of the general Council of the European Union and can also hollow out the Commission's competencies for taking initiatives and passing legislation (Kapteyn, 1995, p. 120). The members of the European Council represent the political interests of their country, even though they may not impede the essential interests of the Communities and the Union (Kapteyn, 1995, p. 120). An important contribution to the dynamics of the process of European integration is that the presidency of the European Union alternates between the member states every six months.

The presidency of European Union includes chairing all Council meetings. The preparations of the policy processes takes place in the so-called 'troika' of the presiding member state, together with its predecessor and its successor. The official preparations required for Council meetings and decision-making are undertaken by the committee of permanent representatives of the member states, the Coreper (after the French COmit  des REpresentants PERmanents), but the actual decisions are taken in the various Council meetings (Kapteyn, 1995, p. 121). Coreper I is

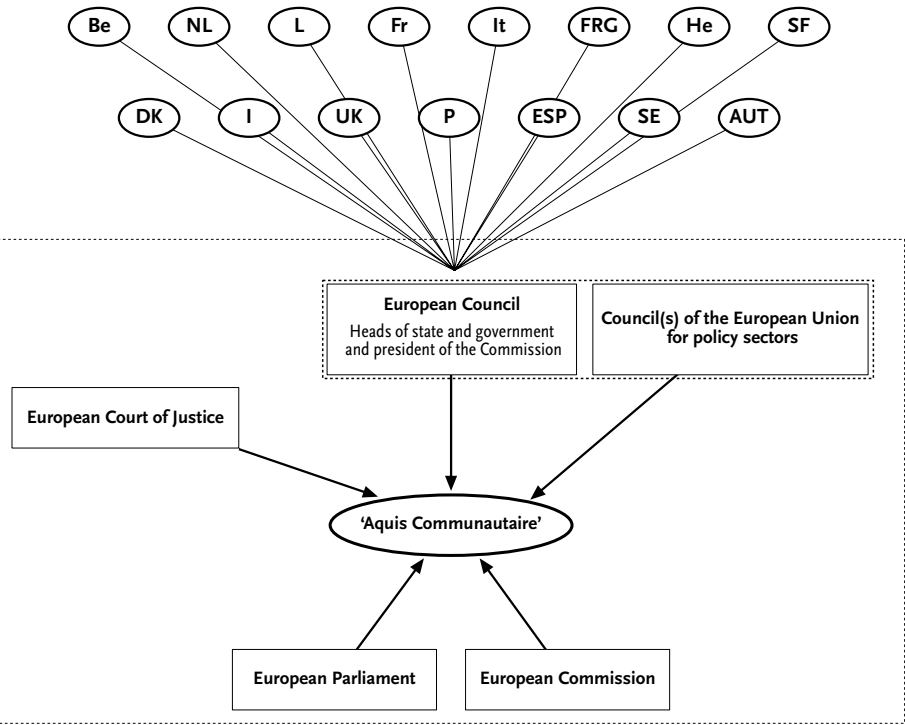


Figure 1.1 - Institutions of the European Union



responsible for day-to-day policy issues and the preparation and implementation of policies. Coreper II consists of the ambassadors of the member states, who deal with the preparation of high-level political issues. The Coreper forms an important channel for exchanging information between the member state governments as well as with the institutions of the Union. Many of the developments in European policies that are analysed in this research are decided at this level of the policy process in which also European Commission officials participate intensively, with occasional involvement of Councils on the course of events.

Most issues for the Council of the European Union are dealt with by the respective sectoral ministers who act as a Council, but not all ministerial meetings are Council meetings. Regular sectoral councils are the Budget Council, the EcoFin Council, the Fiscal Council, the Energy Council, the Agricultural Council, the Fisheries Council, the Environmental Council, the Development Council, the Social Council, the Transport Council, and the Education and the Research Council. Meetings of other sectoral ministers outside this framework are 'informal' councils. As good example of this is the ESDP, which is developed under responsibility of the informal council of ministers for regional policy and spatial planning (Faludi and Waterhout, 2002). The European Council has ruled that these informal meetings are intended for the exchange of general opinions and information. Any decision-making is carried out by the European Council itself<sup>7</sup> (Kapteyn, 1995, p. 122).

The Council shares its double-sided mandate of legislation and policy implementation with the Commission of the European Communities. This Commission is the executive arm of the Communities and the Union and consists of 20 members, all of whom are chosen for their expertise and are formally independent of their member states. The competencies of the Commission as laid down in the Treaty<sup>8</sup> are related to the competencies of the Council<sup>9</sup>. Although formally, the competencies of the Commission are minor, the Council has conferred a substantial part of its own competencies upon the Commission (Kapteyn, 1995, p. 139). Even so, the Commission is not subordinate to the Council, as it is collectively politically accountable to the European Parliament.

The European Parliament is the directly elected representation of citizens in the European member states. The Parliament's main instrument is its right to control the budget, to which its limited powers for the political control of the Commission also relates. In contrast to national parliaments, the European Parliament is not the main legislative body in the European Union (Kapteyn, 1995, pp. 132-156). The legislative powers rest primarily with the Council. Nevertheless, the scope for the Parliament to participate in decision-making on new legislation has grown considerably since the adoption of the Maastricht Treaty. Prior to that, the Parliament could advise on new legislation, or could co-operate in framing it. In the co-decision

7 Meetings of any Council (also e.g. EcoFin) that take place outside either Brussels or Luxemburg are also seen as 'informal' meetings.

8 Art. 211 TEC

9 Laid down in art. 202 TEC

system<sup>10</sup>, decision-making on measures or instruments are subject to a procedure that requires a common position of the European Council and the European Parliament, after a proposal has been submitted by the Commission. It is only after this common position has been taken that the majority of the Council can adopt the new directives, regulations, or decisions. This procedure generally calls for involvement by the European Parliament in adopting policies that concern the process of the completion of the internal market.

The progress of European integration is determined by the balance between the member states and the Union, or in other words, between the Council and the Commission, which Wallace describes as a pendulum swinging between inter-governmental and supra-national forms of policy-making (Wallace, 1996, pp. 12-35). Emerging European spatial policy-making is seen in this light of the dynamics of progressing European integration. Analysis of the nature and progress of European integration often focus strongly on the major steps in the integration process. Undoubtedly, these steps have a significant effect on the progress of the integration process. But within the context of the major steps there is an undercurrent of the elaboration of newly established policy fields and the implementation of well-established policy fields in which the progress of integration figures as well. For, when identifying the way in which the spatial pattern of European integration is identified or the spatial issues are addressed, the focus needs to be on the less politically prominent ways in which European integration is progressing.

*Treaty as formal basis for European integration, policies and instruments*

Under the provisions of the Treaty, European policies are further laid down in secondary legislation: directives, regulations and decisions. Directives generally leave the member states to do most of the work on policy implementation, but within a context of mandatory aims, objectives and norms. The essence of a directive is not to harmonise the entire national policy system and legislation, but to modify them in such a way that the joint European objectives are met (Kapteyn, 1995, p. 204). According to Kapteyn et al, a directive implies that all the member states are obliged to apply legislation, which is often intended for the harmonisation of economic processes in the context of the single European market (Kapteyn, 1995, p. 203). Directives mostly refer to the provisions in the Treaty that relate to the operations of the single European market<sup>11</sup>, or to other fields of action that are explicitly defined in the Treaty.

In a similar way, regulations provide a general framework for implementing the joint policy defined in the Treaty. Regulations leave the member states some discretion as to how to do this, obviously depending on the precise text. Financial instruments, such as funding mechanisms, are also laid down formally in regulations in which funding objectives and criteria are defined in minute detail. Decisions provide for legislation for specific issues within a limited timescale and

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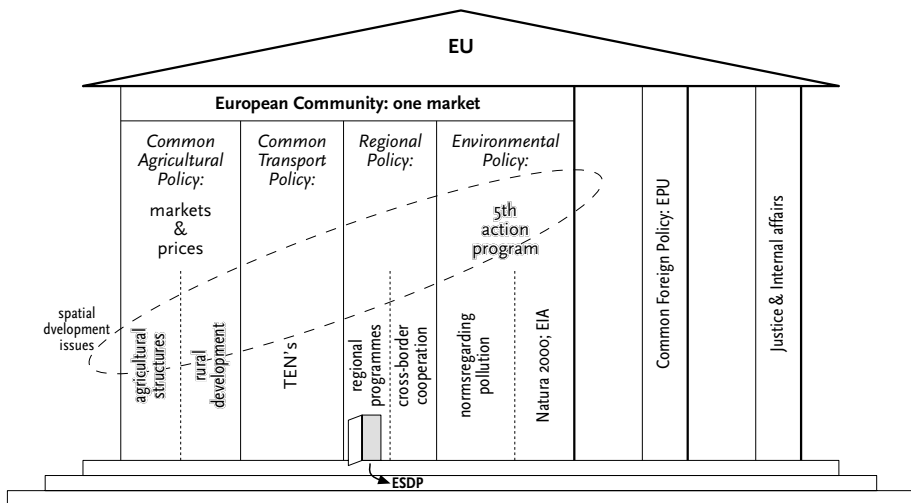
10 Art. 251 TEC

11 Art. 94 TEC

are addressed to one or more specific parties. The provisions in the Treaty and the elaboration in subsequent European legislation, notably regulations, directives and decisions, make up the European policies as a whole.

Since the Maastricht Treaty was signed in 1992, the structure of the European Union has often been referred to as a house, or better, a temple, supported by three main pillars (see Figure 1.2). The most important pillar is the former European Economic Community, now the European Community or EC. The other two pillars are the common foreign and security policy and the co-operation in justice and internal affairs. Both of these have proven to be notoriously difficult fields for co-operation between the member states. For the time being, the objectives and aims of these two pillars are nowhere near within reach, and developments are proceeding slowly. These two pillars may be politically important, but the pillar of the European Community plays by far the most important part in European policies in terms of the scope of policy sectors, the extent of harmonisation and the co-ordination of national policies.

A wide range of policies have developed within the framework of the European Community, the main pillar of the Union. All these policies stem from the primary aim of European Community: the realisation of the single European market without internal barriers. In a way, all the policy sectors in this European Community framework have developed within the context of this overarching ambition for a single market, and encompass policy fields that are relevant for spatial developments within the European territory: regional policy, policy for creating trans-European Networks, environmental policy and agricultural policy. The spatial development issues on which this research focuses are covered by several relevant sectoral European policies. Initiatives for cross-border co-operation, plan-making and strategy development (including the ESDP) and initiatives in urban policies are also



**Figure 1.2** - European spatial development issues in the Community 'pillar' of the European Union 'temple'

found within the regional policy. The aim to develop various infrastructural trans-European networks also figures in the common transport policy. The environmental policy includes initiatives to integrate the fragmented approach towards aspects of environmental quality. Agricultural policy partly overlaps with regional development policy for rural areas. Before we explore the institutional arrangements of these policies, the institutions of the European Union will be described below.

### **1.3 Regional policy: social and economic cohesion in EU territory**

The main objective of European integration, the establishment of a single market, has always meant to be accompanied by a social and economic policy. One of the basic ideas is that the creation of the single European market would demand a guidance policy to address the structural problems of an unbalanced economic development and, in particular, the adaptation of the weakest European regions to the single European market. The general aims of the regional policy have been continually reaffirmed in several policy documents of the Commission and the European Parliament, such as the annual Commission's Work Programme, which shows that the regional policy, as the major instrument for strengthening social and economic cohesion, is connected to the fundamental objectives of the Union. The argument is that this forms an essential support for the creation of the single European market and also that regional projects should help countries prepare for the third stage of European Monetary Union (EMU)<sup>12</sup>, and that without regional policy, the EMU and the single European market will be endangered<sup>13</sup>. Additionally, successive expansions of the Union with new member states have repeatedly contributed to a strong political commitment in European policies to support those regions which are trailing behind in adapting to the new situation (Kapteyn, 1995, p. 591).

The formal institutional context for the regional policy consists of an elaborate network of provisions in the Treaty. The basis of the arrangements is formed by a distinct section dedicated to social and economic cohesion in the part of the Treaty that describes the policies of the Community<sup>14</sup>. The objectives of the regional policy are meticulously formulated in this section of the Treaty. The main aim of the socio-economic policy is 'to promote throughout the Community a harmonious and balanced development of economic activities ... and economic and social cohesion and solidarity among Member States'<sup>15</sup>. The further elaboration on this central objective is more pro-active. Formulations refer to 'the strengthening of economic and social cohesion'<sup>16</sup>, 'reducing the disparities between the levels of development of the various regions and the backwardness of the least-favoured regions, including

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<sup>12</sup> Commission's Work Programme, 1996

<sup>13</sup> Commission's Work Programme, 1996, p. 9

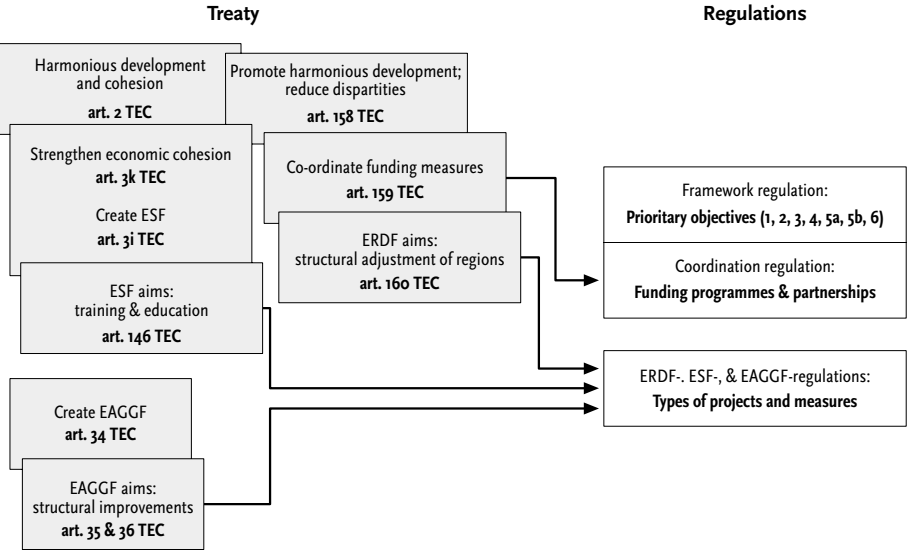
<sup>14</sup> Title XVII, art. 158-162 TEC

<sup>15</sup> Art. 2 TEC

<sup>16</sup> Art 3 k TEC

rural areas'<sup>17</sup>. Besides these, there is another provision in the Treaty that needs to be taken into account, namely, the convergence of the economic policies of the member states. The Treaty states that member states shall conduct their economic policies with a view to contributing to the achievement of the objectives of the Community and in the context of broad guidelines<sup>18</sup>. The Treaty still mentions the co-ordination of the economic policies of the member states for this aim, also after the Maastricht, Amsterdam and Nice revisions, even though this is mainly elaborated mainly in the supply-side economics approach of subsidies for regional development from the European structural funds, and not as a macro-economic policy (Kapteyn, 1995, p. 592). Therefore, the attention is entirely dedicated to the actions through the three structural funds.

A sequence of provisions in the Treaty establishes the structural funds, defines the requirements for taking common<sup>19</sup> action and the nature, implementation and evaluation of the actions (see figure 1.3). The three structural funds have their own legal basis in the Treaty. The European Agricultural Guarantee and Guidance Fund (EAGGF), in which the so-called 'guidance' section is covered by the regional policy, has its basis in the section describing the agricultural policy<sup>20</sup>. The European Social Fund (ESF) has its basis in the section on the social policy<sup>21</sup>. The European Social



**Figure 1.3 - Formal institutional context of the European regional policy**

<sup>17</sup> Title XVII, art. 158-162 TEC  
<sup>18</sup> Art. 98 TEC  
<sup>19</sup> 'Common' refers to the context of the European Union in which member states agree to undertake joint policies within the framework offered by the Treaty.  
<sup>20</sup> Art. 32-38 TEC, regulation 2085/93 (and after 2000 regulation 257/1999)  
<sup>21</sup> Art. 146 TEC, regulation 2084/93 (and after 2000 regulation 1784/1999)

Fund and the EAGGF were established directly in the Treaty of Rome, the first European Treaty in 1957, and have their roots in their respective policy sectors. The European Regional Development Fund (ERDF), was created some time later in 1975, is directly related to the policy for economic and social cohesion and therefore has its formal legal basis in this part of the Treaty<sup>22</sup>.

The European Regional Development Fund (ERDF) is specifically connected to the policy on social and economic cohesion. The aims of the ERDF are to help redress the main regional imbalances in the Community by supporting the structural adjustments of underdeveloped regions and the conversion of declining industrial regions<sup>23</sup>. In the light of these objectives, the tasks of the ERDF are to provide support for a wide array of projects, either in designated regions or in the Community as a whole. The projects range from productive investments, infrastructure and measures to help exploit the potential for the internally generated development of regions to investment in education and health in the regions concerned. The ERDF also provides for studies or pilot schemes on regional development which are considered necessary by the European Commission itself. These are specifically aimed at e.g. frontier or trans-European regions and involve studies, spatial planning and small-scale investments.

The necessary co-ordination of the actions through the three separate structural funds is arranged within the contours of the policy on social and economic cohesion. The aim for a co-ordinated approach is the result of the experience of integrated development programmes in the Mediterranean countries in 1984. It was incorporated in the Treaty in 1987 (the Single European Act), as a principle for the regional policy, and was further put into practice after the reform of the structural funds in 1988. Although the provisions in the Treaty offer scope for bundling the three funds into one large fund<sup>24</sup>, this was never realised, giving way to more complex arrangements for the co-ordinated implementation of the structural policies in several regulations.

#### *Structural funds: priority objectives, regional partnerships and programmes*

The formal institutional context for the regional policy also covers the regulatory structure for the main part of the structural funds (see Figure 1.3). A set of regulations is drafted on the basis of art. 158-161 of the Treaty. In these regulations the objectives are further specified and set up with a view to organising the required procedures for the implementation of structural intervention. To ensure that the structural funds are utilised in a co-ordinated manner a framework regulation and a co-ordination regulation were created in 1988 as part of a revision of the previously fragmented structural interventions. The three separate funds, the EAGGF fund for

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22 For the restructuring of the fisheries sector and areas in which it is concentrated, there is a separate instrument (the Financial Instrument for Guidance of Fisheries) that is closely linked to the structural funds.

23 Art. 160 TEC, regulation 2083/93 (and after 2000 regulations 1261/1999 and 1783/1999)

24 Art. 161 TEC

**Priority objectives for European structural funds ERDF, ESF, EAGGF****Period 1988-1999**

- 1 Improvement of regions lagging behind
- 2 Improvement of old industrial regions
- 3 Combat (youth) unemployment
- 4 Training and education in industry
- 5a Improvement of agricultural sectors
- 5b Improvement of rural areas
- 6 Improvements in regions with extremely low population density

**Period 1999-2006**

- 1 Improvement of regions lagging behind
- 2 Improvement of regions with structural problems
- 3 Improvement of training and education

**Box 1.2 - Focus for allocation of subsidies from the three structural funds**

agriculture, the European Social Fund and the European Regional Development Fund, were jointly linked to six priority objectives (see Box 1.2). After another attempt at concentration in 1999, three priority objectives remained. Objectives 1, 2, 5b and 6 are specific regional policy objectives; the others apply to the entire European Union. The financial obligations in 1994-1999 amounted to 148 billion ECU for objectives 1-5b. Objective 6 was added when Sweden and Finland joined the European Union.

Another regulation for each of the three structural funds determines the type of projects that are eligible for funding. Hence, the ERDF regulation describes the type of measures and projects that are eligible for ERDF support. The ERDF regulation differentiates to some extent between the areas as defined in the framework regulation. In short, the types of measures and projects which may be eligible for support are described in broad terms and categories, leaving the detailed arrangements for the actual programme to each region. Likewise, the ESF regulation and the EAGGF regulation provide for the scope and forms of assistance of these two funds. All three regulations also specify the procedures for controlling and monitoring the process of implementation for the three funds, as they are managed separately by different Directorates-General of the Commission. The Directorate-General Regio (DG XVI) of the Commission is responsible for executing the programmes for structural funding connected to objectives 1, 2 and 6 and for the European Regional Development Fund (ERDF). Directorate-General Agriculture (DG VI) of the Commission is responsible for carrying out the programmes for structural funding connected to objectives 5a and 5b and for all spending from the agricultural fund (EAGGF). The Directorate-General for Employment, Industrial Relations and Social Affairs (DG V) is responsible for the programmes connected to objectives 3 and 4, and for the European Social Fund.

The framework regulation and the co-ordination regulation in which the eligible regions are defined also provide for further procedures for spending the subsidies. For each eligible region a partnership needs to be set up and a regional programme

**Scope and forms of assistance**

- a. Productive investment that creates or maintains jobs
- b. Investment in infrastructure to regenerate industrial and business sites
- c. Support to local development initiatives and small- and medium-sized enterprises (improving management, market studies and research; access to capital market, investment aid, etc)
- d. Research and technological development
- e. Productive investment in infrastructure for environmental protection (linked to regional development).

**Box 1.3 - Specification of measures and projects eligible for support from the ERDF**

needs to define further priorities for measures and projects (see Box 1.3). This partnership consists of ‘the Commission, the member state concerned and the competent authorities and bodies – including... the economic and social partners, designated by the member state at national, regional, local or another level, with all parties acting as partners in pursuit of a common goal’<sup>25</sup>. The composition of regional partnerships varies greatly between the member states, depending on their political system and preferences. The precise constitution of the partnerships depends on the preferences of the member states’ central government, and is obviously related to the specific set-up of institutions and policy systems. The Commission may question the composition of the partnership if it is not in line with the regulations. Essentially, it is the member state that decides on the composition with, of course, a practical contribution by the regional authorities. According to the European regulations, the tasks of the partnership are also to ensure effective monitoring of the implementation of assistance from the Funds. Here, a specific element is added to the partnership: ‘Monitoring committees shall be set up within the framework of the partnership, by agreement between the Member State concerned and the Commission. The Commission and, where appropriate, the EIB may delegate representative to those committees’<sup>26</sup>. This idea of partnership is meant to facilitate mutual consultation between the Commission and the other relevant participants in all the preparation and implementation phases of the programmes. The programmes are laid down in a Single Programming Document. Throughout the European Union this amounts to hundreds of partnerships and programmes for each objective and for each eligible region.

*Incentives in European regional policy for spatial development in regions*

The European regional policy has been conceived on the basis of the supposedly negative effects of the creation of a single European market on peripheral regions,

25 Framework regulation 2081/93, section II: Arrangements for structural operations, Art. 4 (after 2000 similar arrangements in regulations 1260/1999)

26 Co-ordination regulation 2082/93, section VII: Monitoring and evaluation, art. 25



**Indicators for EU spatial pattern?**

The eligibility of the Dutch province of Flevoland for the structural funds, which divides a centrally located region in the group of the poorest of European regions, shows the quaint workings of a single indicator. The region formally meets the indicator because a significant share of the population of the new towns in this region actually work in nearby Amsterdam, which rates their income and economic production statistically to the GRP per capita figure of a different region: the province of Noord-Holland.

But the selection of Flevoland is not wholly illogical, as the polder is newly reclaimed land from the sea that is only inhabited for a few decades. It has one-sided structural economic characteristics, with mostly modern agricultural production that provides work for few people only. Structural investment that improves conditions for companies choosing their new location can bring in employment to balance the dormitory town constitution of the region. This brings to life a potentially attractive business environment that the region already offers the overcrowded and heavily congested Randstad region with space and a well-educated labour force nearby.

and regions with a fragile economic development. It is this European perception of spatial developments that makes the structural improvement of these regions necessary through a funding mechanism. The spatial distribution of regions with such characteristics is based on a few single indicators, the most prominent being the gross regional product (GRP) per capita in proportion to the European average. A region with a GRP below the European average, or even below 75% of the European average, is considered to be a main indicator for identifying parts of the European territory that are structurally lagging behind<sup>27</sup>. These regions are considered to lack the capacity to take full advantage of the single European market. Obviously, there are many other indicators for identifying regions with structural problems.

The indicators that are used to underpin the European regional policies are somewhat simplistic and straightforward, a rather coarse interpretation of the complex structural social and physical factors that underlie the different spatial development patterns in the European territory (see insert). Regions with structural problems in rural areas are further identified by the share of the labour force employed in agriculture and a tendency towards depopulation. Regions with an unbalanced and obsolete economic structure are identified by the unemployment rate in traditional industries, such as steel and textiles. But even these additional indicators for spatial patterns create an over-simplified picture of the complex diversity of regional differences throughout Europe.

This means that the efforts in other parts of the European regional policy for developing comprehensive spatial concepts and promoting spatial planning as a tool for European policy-making are somewhat footloose. Most of the regional policy

<sup>27</sup> Framework regulations for structural funds of 1988, 1993, 1999

itself is not based on a coherent conceptualisation of the spatial inequalities of economic development that it aims to address. As a result, the 'conceptualisation' of the territorial impact of European economic integration boils down to the handful of single socio-economic criteria that underpin the selection of regions for funding programmes aimed at structural improvement.

The regulations for the structural funds include additional criteria relating to the local spatial pattern of the structural development problems and to location aspects of the allocation of investments to projects. In the end, the regional partnership needs to compile a programme in mutual consultation, which will ensure that 'Community operations shall be such as to complement or contribute to corresponding national operations'<sup>28</sup>. When a programme is being prepared, the characteristic problems of the region need to be identified and priorities need to be set for regional development. This is a shared responsibility of Commission officials, the regional and local representatives who are authorised to participate.

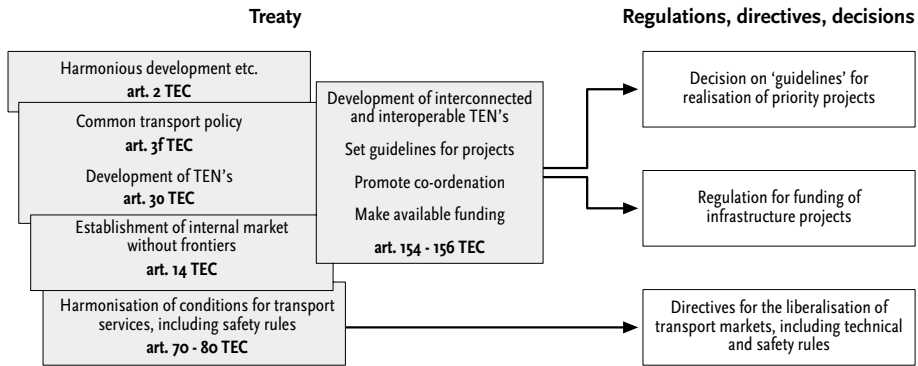
#### **1.4 Common transport policy: trans-European networks**

The European common transport policy is best characterised by the shift in orientation it has undergone in the last decade or so. For a long time, the common transport policy was limited to eliminating technical differences in the transport legislation of the member states<sup>29</sup>. The harmonisation of this legislation offers transport companies a fair chance to operate in other member states under equivalent (technical) conditions – mostly relating to safety requirements – thereby securing free competition in the European market. The emphasis of the transport policy on the operation of the market has no direct implications for physical infrastructure in Europe. As mentioned above, the common transport policy was initially confined to eliminating technical differences in the transport legislation of the member states. The conceptual development that gave way to the inclusion of infrastructural issues in European policies started in 1992 with efforts to complete the single European market. The underlying idea is that, in order to reap the full benefits of the newly created single European market, a complete physical infrastructure is necessary as well. From this perspective, the Commissioner responsible for the internal market takes an interest in promoting infrastructural development. But as the Commissioner for transport is responsible for the – fairly modest – budget that is allocated annually to the member states for infrastructure-related projects, this leads to something of a struggle over the competence on infrastructure issues in the European Commission. As a result, the European Council is taking the initiative more and more in the further development of the new European field of action. These institutional struggles reflect the range of the debate in which the concept of the trans-European networks was initially shaped. On the one hand, there is a theoretical need for complete infrastructural networks to secure the efficient

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<sup>28</sup> Framework Regulation 2081/93, Section II: Arrangements for structural operations, art. 4

<sup>29</sup> Following art. 95 TEC



**Figure 1.4** - Formal institutional context of the common transport policy

operation of the single European market. On the other, there is a functional need for improving separate and incomplete infrastructural networks by filling in missing links.

#### *Formal structure of the common transport policy*

The adoption of the concept of the trans-European networks made the infrastructure issue a firm part of the common transport policy. Although the Treaty has provided for a common transport policy in general terms since the very start of European integration in 1958, there has never been substantial interest at European level in infrastructural development. It is remarkable that the new initiative in infrastructural planning is formally a specific elaboration of the aim to realise a European market without internal borders and to allow freedom of movement for persons and goods<sup>30</sup>, and of the aim for harmonious development<sup>31</sup>. The White Paper on the future development of the transport policy published by the Commission in 1992 supports this change, stating that there will be a transfer to a 'balanced policy that supports the development of coherent integrated transport systems', along with the continuous aim for creating the single European market (CEC, 1992).

Later, the creation of trans-European networks as a new aim in the common transport policy was formally confirmed by its inclusion in the Maastricht Treaty in 1992<sup>32</sup>. Since then, the formal basis for the common transport policy as laid down in

30 Art. 14 TEC

31 Art. 158 TEC

32 Currently art. 154 TEC first section: '...to enable citizens of the Union, economic operators and regional and local communities to derive the full benefit from the setting up of an area without internal frontiers, the Community shall contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures. 2. Within the framework of a system of open and competitive markets, action by the Community shall aim at promoting the interconnection and inter-operability of national networks as well as access to such networks. It shall take account in particular of the need to link island, landlocked and peripheral regions with the central regions of the Community'

the Treaty has consisted of a sequence of provisions: the establishment of 'a common policy in the sphere of transport' in art. 3f TEC for the 'purposes set out in Article 2', i.e. the establishment of the internal market. The further elaboration of this basis in the Treaty<sup>33</sup> shows the former main concern of the common transport policy with the development of common rules for international transport, the operating conditions for non-resident carriers in a member state, measures to improve transport safety, and any other appropriate provisions that offer the possibility at European level to fight arrangements that impede free competition in the transport sector. It took until November 1993 for the member states to ratify and effectuate the Maastricht Treaty, but in anticipation of this, the concept of the trans-European networks was elaborated further in Council Decisions that were simply based on the original provisions in the Treaty which merely provides for a common transport policy<sup>34</sup>.

According to Kapteyn *et al*, this is a clear attribution of responsibilities to the Community (Kapteyn, 1995, p. 741). This attribution principle<sup>35</sup> holds that 'the Community shall act within the limit of the powers conferred upon it by this Treaty and of the objectives assigned to it therein'. Although there is a clearly defined task for the Community, only a few instruments are defined in the provisions, which are partly determined by the approach of the transport policy, which complements the national policies of the member states. The initiatives at European level will be limited to supporting the realisation of the trans-European networks, as the objectives assigned to the Community are to 'contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures,... promoting the interconnection and interoperability of national networks as well as access to such networks. It shall take account in particular of the need to link island, landlocked and peripheral regions with the central regions of the Community'<sup>36</sup>. The role of the Community in the realisation of these objectives is limited to 'contributing to', but the Treaty offers scope for further elaboration of the policy. Following the provisions in the Treaty, the identification of the presumed missing links in these networks, the identification of problems in the realisation of projects in the networks, and opportunities to overcome differences in legislation as the object of the common action within this field are explored (CEC, 1993). Environmental objectives have to be taken into account in projects related to the trans-European networks, even though this is not specifically mentioned in this section of the Treaty. Three types of possible measures are foreseen in the provisions: general measures, financial incentives and promoting co-operation between the member states.

Amongst these measures mentioned in the Treaty are setting objectives, priorities, and list of projects of common interest. After the Maastricht Treaty, new legislation for the common transport policy and for infrastructural issues needs to be formally

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33 Title V, art. 70-80 TEC

34 Art. 70 TEC

35 Art. 5 TEC, first section

36 Title XV Trans-European networks, art. 154-156 TEC

adopted in the co-decision procedure<sup>37</sup>. This change in decision-making has influenced the incorporation of infrastructural issues in the common transport policy. Previously, legislation in this field was subject to decision-making according to the co-operation procedure<sup>38</sup> which is less heavy and leaves more power to the member states in the Council. All decisions require a qualified majority in the Council, not unanimity.

The European Union can also implement technical measures to ensure the interoperability of networks. The possible financial incentives are support for feasibility studies, loan guarantees and interest subsidies. Furthermore, it is possible for the Community to contribute to specific projects in the member states through the Cohesion Fund. These contributions must, of course, meet the criteria normally applicable for the Cohesion Fund. The third type of measure provides for the co-ordination of the national policies of the member states, which have a significant impact on the achievement of the objectives of the trans-European networks<sup>39</sup>. This is a task for the member states themselves, but the measure allows scope for the Commission to liaise in this and offers the possibility of taking initiatives to promote co-operation.

In the Commission the Directorate-General for Transport (DG VII) is responsible for the preparation and implementation of the common transport policy. Three directorates of DG VII are responsible for the three transport modes, namely, land (DG VII B), air (DG VII C) and sea. One directorate is responsible for research and monitoring development (DG VII D). Directorate A (DG VII A) is responsible for international relations, transport networks and infrastructure. Further development of the concept of trans-European networks follows primarily from co-operation amongst member states and with the Commission.

#### *The genesis of the concept of trans-European networks*

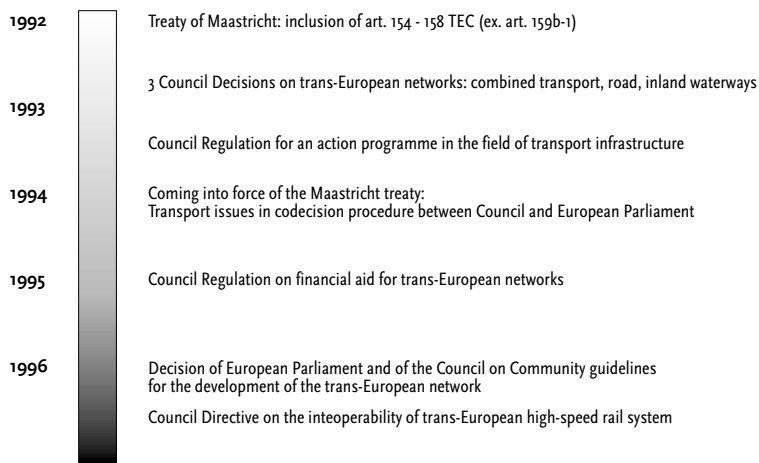
The concept of trans-European networks was worked out and firmly incorporated in European policy in a very short period of time, roughly from 1992 to 1996. This is understandable as the ideas for developing a network of high-speed trains had already been concluded in formal multi-lateral agreements between the transport ministers at the end of the 1980s. The experience gained in developing ideas on the rail networks served as a model for the further definition of the trans-European networks, such as the master plan for the road network: 'European strategy should take the form of a master plan along the lines of work done on the high-speed train network and combined European transport' (CEC, 1993, p. 3). The first outline of trans-European networks appeared in a set of three Council Decisions in 1993<sup>40</sup> one for each of mode of transport: a network for combined transport, covering the freight train infrastructure, the inland waterway network, and the road network.

37 Art. 251 TEC

38 Art. 189c TEU

39 Art. 155 TEC, subsection 2

40 Council Decisions 93/628, 93/629 and 93/630 EEC of 29 October 1993



**Figure 1.5** - *The development of the formal ‘carriers’ of the concepts of the Trans-European Networks in European policies*

Although the successful introduction of the high-speed train generated the main ideas for the renewal of European infrastructure, it lacks the first formal elaboration of the concept of trans-European networks in European Union policies.

The initial formulation of the trans-European networks consisted of three separate types of infrastructural network. Firstly, the network for the ‘combined transport’ concerned the construction of new railway links and the upgrading of existing railway links for freight transport. This idea was in line with previous regulatory efforts in the common transport policy for the technical standardisation of container transport<sup>41</sup>. The list of railways covers the need to solve missing links and to facilitate the realisation of connections between railway and waterway routes and adjoining roads for the exchange of containers. The second is a selection of waterways that build up a network following from the notion of combined transport. The creation of both these networks is meant to contribute to a more environmentally-friendly mode of transport (as opposed to the transport of goods by road) and still form an efficient transport system that is essential for the efficient operation of the internal market. Thirdly, there is the inevitable road network which plays a ‘fundamental economic and social role in the transport of goods and persons throughout the Community’<sup>42</sup>. Both the waterway and the road network are considered particularly important for linking peripheral areas with the urban core of the European Union. The focus in the road network is also strongly directed at the connection with the other modes of transport.

This initial outline of the trans-European networks is rich in ideas and fundamental principles of how a truly European transport system should look: ‘a

41 Directive 85/3/EEC

42 Council Decision 93/629/EEC (considerations)

network of continental stature' (CEC, 1993, p. 59). At this stage, the proposals of the Commission are elaborated, creating a strong focus on freight transport and on promoting a modal shift towards more environmentally-friendly modes of transport (rail and waterways). The indicative nature of the proposed networks is emphasised, leaving room for changes, but at the same time stressing the need for the gradual achievement of a multimodal transport system. Key elements are technical improvement, traffic-management systems and the technical alignment of transport systems. Further elaboration of the concept of the trans-European networks is strongly influenced by the member states in the European Council. Despite the initial focus on the cohesion of infrastructure at European level, the list of projects in the three initial elements for the trans-European networks have increasingly become the main emphasis in European infrastructural policy. This mainly reflects the sum of existing wishes and projects being prepared by the individual member states.

The desire of the member states to tighten their grip on the composition of the trans-European networks is partly driven by existing national priorities for certain projects. The waterway network, for example, fits in perfectly with the idea of combined transport but it is also partly the result of the relatively active participation by the Netherlands in developing the concept of trans-European networks. The promotion of a project for improving transport across water affords the Netherlands ample opportunities to make claims on the budget for the common transport policy. Also, the contribution of the European Parliament towards compiling the list of projects and elements that need to be part of the trans-European networks has led to continuous additions. Despite the general focus of the Transport and Tourism Committee of the European Parliament on border-crossings and on the cohesion of the networks, in the end, each of the individual members of the Parliament tends to prefer a project from its home region. This has led to short lists of some 350 projects as essential elements of the trans-European networks, which is a list of 'classic' infrastructure prior to the inclusion of telecom and energy networks as part of the trans-European networks.

Another reason why the European Council seized the initiative in the elaboration of the trans-European networks is that the member states were dissatisfied with the speed at which action was undertaken by the Commission. The Council itself set up a special advisory committee in 1993, apart from the working groups and committees installed by the Commission. This committee was a 'group of personal representatives of heads of state and government', chaired by Henning Christophersen. It was asked to 'assist in implementing efficiently, consistently and speedily the trans-European networks' (CEC, 1995).

The main result of the work of the Christopherson Group is a selection of projects that was made to form the key elements for the realisation of the trans-European networks. It attempted to concentrate the efforts at European level for the actual realisation of trans-European networks. From the moment that it was approved by the European Council at its meeting in Essen in December 1994, this list of so-called 'priority projects' formed the pivot of the concept of trans-European networks (see box 1.4). The Commission and, in later stages, the European Parliament were

List of priority projects	
North-south link (Brenner)	high-speed rail/combined transport
Paris-Brussels-Cologne-Amsterdam-London (PBKAL)	high-speed rail
Madrid-Montpellier/Madrid-Dax	high-speed rail
Paris-Strasbourg-Rhine	high speed rail
Betuweline Rotterdam-German border	combined transport
Lyon-Turin	high-speed rail/combined transport
Pathe (Patra-Bulgarian border) and Via Egnatia (Igoumitsa-Turkish border) in Greece	motorways
Lisbon-Valladolid	motorway
Cork-Dublin-Belfast-Lame-Stanraer	railway link
Copenhagen-Stockholm-Oslo (Nordic triangle):	rail/motorway link
Ireland-United Kingdom-Benelux (via Channeltunnel)	motorway link
West coast main line in the United Kingdom	railwaylink
Milan-Malpensa	airport
Øresund link Denmark-Sweden	fixed rail/road link

**Box 1.4** - *Priorities for the creation of the trans-European networks*

unhappy with what was essentially seen as the sum of the existing infrastructural desires of the individual member states, instead of a strengthened focus on European networks as a whole. The Council meeting took place just as the Maastricht Treaty was about to come into effect (after ratification by the member states in November 1993). This new Treaty strengthened the Parliamentary position as it brought the common transport policy into a co-decision procedure. But the Council opposed stronger Parliamentary involvement in the selection of priority projects, as it was afraid of a fading concentration of efforts on more projects and even on the general aims of networks as a whole. The dispute was averted by placing the priority projects in the annex of the proposal for a Decision of the Council and the Parliament and by bringing only the text into the co-decision procedure<sup>43</sup>. In the end, the priority projects were the main outcome of the European Council intervention, which added strongly to the focus on the functional cohesion of the European infrastructure nested in the missing-links debate, in which the Council was motivated by the idea of infrastructural investment as a push towards general economic development and job-creation.

The list of priority projects was agreed upon in the European Council; a typical example of the increased involvement of the heads of state and government in policy issues. The prioritisation provided a framework for further sectoral policy-making in

43 The co-decision procedure is introduced in the Maastricht Treaty (art. 189B, later revised into art. 251 TEC). It provides for joint decision-making by European Parliament and European Council for decision-making on the freedom of movement for persons and services (Art. 39, 40, 49-55 TEC) and in the harmonisation of legislation for the internal market (art. 94 TEC)



the high-level politics of a European summit. With the Christophersen Group, the Council had assured itself of sectoral expertise and member state involvement in drawing up the main lines of a European infrastructural policy. The report of the Christophersen Group spoke of the 'great political effort' that was needed to select only a handful of projects to accelerate the creation of the trans-European networks (CEC, 1995, p. 10). On the whole, the Christophersen Group had undertaken a rather broad exercise to build up an understanding of how trans-European networks could make for a European policy. The selection of projects was prepared in working groups comprising officials from member states and public and private parties. It involved a long list of some 35 projects, organised by the Commission; the progress was assessed and the problems that arose were noted. Various technical reports, which were included in the main report, further indicated the direction in which the European efforts on trans-European networks needed to be developed (CEC, 1995, pp. 29-92). The additional development of an 'energy network' was suggested. The possibilities for funding and public-private partnership were investigated. The group suggested extensive financial support by the European Investment Bank. In terms of the administrative and regulatory context of transport projects, the report emphasised that work was needed at European level to create more competition in the transport sector.

The practicalities of the proposals for the remaining general guidelines for the trans-European networks were left to the Commission and the Transport Council. The dossier was further dealt with in Coreper I which addressed day-to-day internal market issues. This underlined the 'low political' profile of these guidelines, whereas the issues with a high political profile, such as the selection of priority projects, were dealt with by Coreper II, which brings together the top diplomats of the member states. A further change at this stage of the development of the concept of trans-European networks was that the co-decision procedure urged close involvement by the European Parliament. The co-decision procedures were new to all the European institutions involved and slowed down the formal completion of the renewal of the transport policy. They also afforded a chance for the involvement of lobby groups which had previously had only limited access to the process of developing the concept of trans-European networks in particular environmental groups.

#### *Final touch to trans-European networks from the European Parliament*

When the concept of trans-European networks was focusing on the list of priority projects, the contribution of both the Commission and the European Parliament was limited. The European Parliament was not pleased with the limited influence it had had so far on putting together the trans-European networks, and in particular, with the limited contribution of the 14 projects selected by the Council for creating networks. The projects were considered too narrowly defined and to make only a limited contribution to the multi-modality of the networks. During the adoption of the regulation on funding, prior to the procedure on the guidelines in 1995, the Parliament had less say in the emphasis on large projects in these priorities than it would have liked. All that it was able to change in the regulation was to minimise the share of the budget for the 14 priority projects to 50% of the total, instead of the

75% that the Council wanted. This could be achieved by using the Parliamentary powers over budget control. The influence of the Parliament changed when, after the effectuation of the Maastricht Treaty, the European Parliament became able to insist on a co-decision procedure for the 'guidelines' on the trans-European networks. The Parliament was eager to influence the set-up of the guidelines, as the idea was that the contribution of each of the projects to the cohesion of truly European networks needed to be better assessed. The Parliament was supported in this idea by environmental action groups. Parliamentary involvement in the decision-making on the concept of trans-European networks also opened up the process for environmental pressure groups. These groups were keen to participate in the discussion, as they had easier access to the Parliament than to the Council.

The rather late participation of environmental pressure groups in the European policy process on infrastructural issues was also due to their inability to operate at European level in an earlier stage. Internationally operating organisations such as WWF or Greenpeace had no particular interest in infrastructural issues. Other organisations operated only at national level. The co-operation between environmental groups at European level started in the early 1990s. Initially based in London, the Transport & Environment Office was moved to Brussels with a view to the development of the trans-European networks. The interest of environmental action groups in infrastructural planning issues was relatively new. Until then, they had concentrated on improving the environmental conditions of transport with a view to reducing emissions. Infrastructural planning and the infrastructural business as the 'hard' side of transport policies were considered insufficiently transparent and difficult to lobby. The work of the Christophersen Group, as commissioned by the Council, was seen predominantly as a matter for the member states, who would decide amongst themselves which new infrastructure to build out of sight of the general public and pressure groups. It was not until 1994, when the European Council decided to select a set of priority projects, that the attention and concerns of environmentalists were drawn to the rise of trans-European networks as the leading concept for a renewed common transport policy. As it was difficult to lobby 15 national ministries and a European committee and the Council, the attention focused on the European Parliament. The first application of the co-decision procedure, which increased the influence of the European Parliament, helped them to deliver their twofold message: promote a modal shift towards environmentally-friendly transport (i.e. rail) and include an environmental impact assessment at strategic level in decision-making on a route for a corridor as a whole.

The Commission was also in favour of strengthening environmental elements in the guidelines, and generally supported the ideas of a modal shift and an environmental impact assessment for the routes in the networks. As a result, the inclusion of the strategic environmental impact assessment (SEA) for plans and projects and the evaluation of the elements of the networks in a 'corridor analysis' were added to the guidelines<sup>44</sup>. Both elements were meant to remove some of the

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44 Decision 1692/96/EC of the European and Parliament and the Council, Art. 8

emphasis from the 14 priority projects in the list. Both elements also aimed at strengthening the community aims regarding the concept of trans-European networks, instead of the supranational list of projects which was the result of negotiations between the transport ministers. Furthermore, both elements aimed at including a wider scope of issues in the monitoring and evaluation of location decisions at European level, and are therefore dependent for their success on progress reports on the trans-European networks with a view to renewing the guidelines, which is meant to take place every 5 years, even though the first round had already been foreseen in 1999.

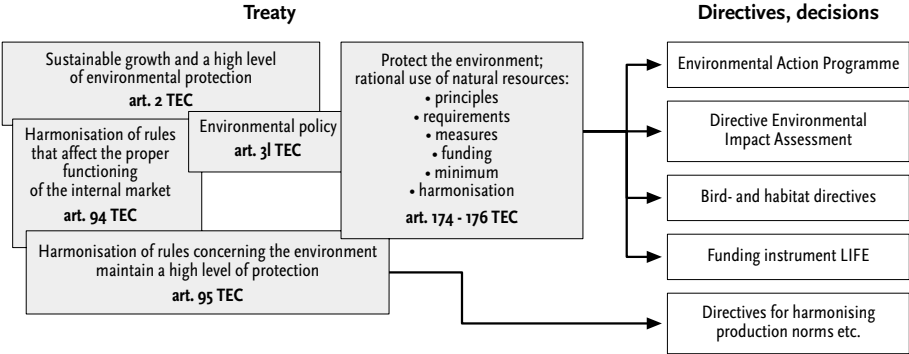
### 1.5 European environmental policy

The European environmental policy focused strongly on the protection of the 'grey' environment, with a thrust for the determination of minimum norms to combat various forms of chemical pollution. This form of environmental protection developed fast in European policy since the 1970s, due to a general political trend in Europe that was articulated by the European Parliament. Several member states, notably Denmark, the Netherlands and Germany, were progressively building up and enforcing their environmental policies. These pioneer states contributed strongly to the development of a supranational environmental policy (Andersen, 1997). The quick adoption of this new field of action in European policies is also the result of its importance for the operation of European markets. When member states imposed different environmental norms for industrial production on, amongst others, emissions from cars, these made for non-tariff barriers for producers from other member states. Even before the European Treaty provided a formal basis for environmental policy after the renewal with the 1987 Single European Act<sup>45</sup>, an enormous amount of European environmental legislation could be adopted on a different basis in the Treaty. The Treaty included a provision that allowed for all necessary common actions besides those explicitly stipulated in the Treaty with a view to facilitating the proper operations of the single European market<sup>46</sup>.

The development of the European environmental policy received important input from 5th Environmental Action Programme. Based on a consideration of the development and position of the policy and the state of the environment, it aimed to give a comprehensive overview of further necessary actions and measures. Sustainable development was the buzz-word that covered many themes and fields of action. With the broad set-up, the programme encouraged self-discipline on the part of European institutions and the member states. Moreover, it also identified the role and responsibilities of other organisations, companies, and individual citizens in environmental protection. Some leading principles were adopted in the

45 The Single European Act is a review of the European Treaty for the finalisation of the Single European Market undertaken at the Luxembourg Intergovernmental Conference of 1987

46 Art. 308 TEC



**Figure 1.6** - Formal institutional set up of European environmental policy

environmental policy, such as the precautionary principle and the ‘polluter pays’ principle, which added to the growth of environmental measures and this comprehensive approach. The idea that each tier of government and each part of society should assume individual responsibility was embedded in the principle of subsidiarity in the institutional set-up. Based on the experience of European policies, this became a general principle of European policy-making.

The introduction of the Natura 2000 concept significantly broadened the scope of the European environmental policy on the conservation of nature. Prior to Natura 2000, European policies on nature protection concerned the protection of rare species. These were expressed in various directives aimed at prohibiting trade in certain animal species and related products and were closely linked to the dominant internal market paradigm of European integration. Also, in the common agricultural policy, the attention to natural value in measures for maintaining certain methods of agricultural production in certain regions<sup>47</sup>, and the range of regulations to protect forests from air-pollution and forest fires had close links to the economic production of the areas concerned. These directives and regulations were based largely on the provisions in the Treaty for the common agricultural policy or the operation of the internal market<sup>48</sup>.

The 1979 bird directive<sup>49</sup> was exclusively aimed at the protection of rare or threatened species of bird by prohibiting hunting and protecting their habitat. This directive, with its specific nature protection aims, initially had no formal basis the Treaty and has very limited relevance to the establishment of the single European market. The general political support in the European parliament for protecting migrating birds that has been building up gradually since the early 1970s made up for lack of formal basis for this first part of European nature protection legislation

47 Regulation 2078/92 and 75/268/EEC for hill and mountain farming

48 This formal basis could only be found in art. 36 and 37 TEC (formerly art. 42 & art. 43), resp. art. 95 TEC as environmental policy did not have a formal base in the Treaty at that time.

49 Council Directives 79/409/EEC and 91/244/EC

(Hoorick, 1997, pp. 186-188). Only later, with the re-confirmation of the aim for establishing the internal market with the Single European Act, the European Union involvement in environmental protection in general was formally arranged in the Treaty. This provision in the Treaty for a common environmental policy<sup>50</sup> also made the further development of European nature protection legislation possible. With Natura 2000 the approach set out in the bird directive was carried through, albeit in more comprehensive way.

Although the European directive for the protection of birds<sup>51</sup> was much earlier, it substantiated the European policy concern with conserving, or even improving the quality of the European environment as a spatial policy issue. The extension of European environmental policy into green environment was surprising in a sense, as wildlife conservation had no direct relation with the operation of the European market. The aims of the European environmental policy, as neatly formulated after the adoption of most of the environmental legislation, were to protect the quality of the environment and human health, and to promote the rational and prudent utilisation of natural resources<sup>52</sup>. The latter can be seen as a basis for common action in the European Union in the area of nature conservation. Probably more important was the explicit authority of the European Union in representing its member states in promoting international agreements in environmental protection. The European environmental protection policy was developed in tandem with the notion of protecting biodiversity in the context of the United Nations. The aim to create Natura 2000 was the main European effort in biodiversity strategy. Although other actions were mentioned as well, even the 'Biodiversity Action Plan for Agriculture' stressed the implementation of the two environmental protection directives (CEC, 2000). Agricultural practice adapted to environmental quality and natural value was seen largely in relation to the management plans<sup>53</sup> required for the Natura 2000 sites.

Like the changes forged in the common agricultural policy with the agri-environmental measures that promote environmental friendly farming practice, the environmental policy had the LIFE programme as a funding mechanism for exemplary and experimental projects. The idea was that experience of these experiments could be applied afterwards as normal practice, i.e. through agri-environmental measures (CEC, 1998; CEC, 1998). The financial instrument LIFE was one of the so-called Community Initiatives: funding mechanisms under the direct co-ordination of the Commission. The LIFE programme<sup>54</sup> was the financial instrument for supporting the implementation of European environmental policy. The aim of LIFE was to 'contribute to the development and implementation of Community environmental policy and legislation'. Half the budget was earmarked

50 Art. 175 TEC

51 The birdsdirective 1979 79/409/EEC

52 Art. 174-176 TEC

53 Under the habitat directive 43/92, Article 6.

54 LIFE is the acronym for *L'Instrument Financier pour l'Environnement*

for funding actions in environmental conservation, which was referred to as LIFE-Nature. Projects that supported the creation of Natura 2000 were especially eligible; this was even formally restricted to projects on sites designated by the bird or habitat directive<sup>55</sup>. The projects developed in the member states for LIFE funding sought mostly to experiment with management of the sites and to restore the favourable conservation status defined in the habitat directive.

*Two directives, one approach*

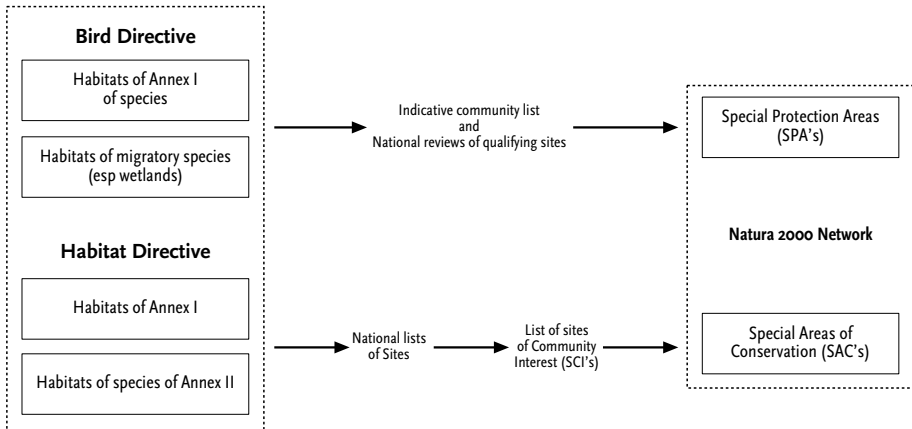
The concept of Natura 2000 expresses the purpose to 'establish a comprehensive network of protected areas aimed at ensuring the maintenance of threatened species and threatened habitat types in all regions of the Community where they occur' (Johnson, 1995, p. 310). The concept of this comprehensive network of natural areas was formally introduced in the 1992 European directive on the conservation of natural habitats and of wild fauna and flora (the habitat directive)<sup>56</sup>, referring to the implementation procedure for both the habitat and the bird directive. In addition to the list of threatened bird species, this more general directive for the protection of fauna and flora covered extensive lists of species of rare plants and animals. It also strongly favoured the principle of protection of the habitats of species, a principle that had already been included in the bird directive, but which was made the main thrust of the European approach to nature conservation: 'As adopted, the directive identifies species and habitat types defined as being of special Community interest and endows them with 'favourable conservation status', the concept around which the directive revolves' (Johnson, 1995, p. 310). The aim of the bird directive was principally to protect the selected species listed in the annexes, which, amongst others, involved the designation of protected areas that ought ultimately to form a network of wildlife areas. The habitat directive made this aim more explicit: 'A coherent network of special areas of conservation shall be set up under the title Natura 2000'<sup>57</sup>. Natura 2000 thus seeks to protect the 'key ecological resources' of Europe, which are the specific natural features such as populations of the species that are defined in the annexes of the Bird directive and the Habitat directive, or features of landscape and types of vegetation that are typical to certain habitats as defined in these annexes.

There were slight differences in the designation of sites, but they had far-reaching consequences (see Figure 1.7). The basic difference with the approach previously followed in bird directive was the involvement of the Commission in the selection and designation of sites, which was undertaken together with the member states. The special protection areas (SPAs) on account of the bird directive were principally designated by the member states. Only in exceptional cases, could the Commission enforce designation (Backes, 1995, p. 93). The habitat directive contained a more detailed procedure for the selection of the Sites of Community Interest (SCIs), on the basis of which Special Areas of Conservation (SACs) were designated by the

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<sup>56</sup> Council Directive 92/43/EC

<sup>57</sup> Art. 3.1, Council Directive 92/42/EC



**Figure 1.7** - Implementation of directives for Natura 2000 (CEC, 1997)

member state and the Commission. One key difference was that there was a time schedule for the designation of all the sites concerned. As a consequence, all the scientific information on the physical and biological factors of the sites and the species that was needed for this process was transmitted to the Commission<sup>58</sup>. Gaining insight into and data on the whereabouts of the natural value which the directives sought to protect became an essential part of the procedures for establishing Natura 2000.

The actual deadline of six years that was foreseen for the selection and designation of sites<sup>59</sup> when the directive was adopted in 1992 was exceeded in most of the European Union territory. In the directive, the member states agreed to come with a first list of proposed sites in three years time. By 1999, only Spain and Portugal had done this completely, for the so-called Macaronesian bio-geographical region, and had designated the sites together with the Commission (Agency, 1999). Despite these difficulties in implementation, this distinct stage of the creation of the actual network of protected sites emphasised Natura 2000 as a spatial concept linked to concrete procedures for the realisation of the general objectives expressed in it. The 1993 5<sup>th</sup> Environmental Action Programme of the European Union supported the idea that the implementation of environmental policies was not a one-way implementation of directives, but required participation from the many players. For the realisation of Natura 2000, this included the member states, local authorities, NGOs and agricultural holdings alongside European institutions (CEC, 1993, p. 83). There were also some differences between the two directives upon which the concept of Natura 2000 was based with regard to the legal means and requirements for the protection of sites. The actual protection of the SPAs was provided for in general terms referring to maintaining and enhancing a favourable

<sup>58</sup> Art. 4.1 Council Directive 92/43/EC

<sup>59</sup> Art. 4.3-4.4 Council Directive 92/43/EC

#### **Natura 2000 concept**

- places the notion of habitat protection at the centre of nature conservation
- systematic selection of sites in need of protection for each 'bio-geographic' region in Europe
- the emphasis on the protection of a core of nature areas, with the possibility of buffer zones around them and the importance of connections between the core areas to ensure a real ecological network
- the importance of maintaining or promoting specific human activities within Special Areas of Conservation (SACs) in order to ensure the 'favourable conservation status' of species and habitats

#### **Box 1.5 - Elements of the Natura 2000 concept (Agency, 1999, p. 302)**

conservation status of the species concerned. Although this was also the responsibility of the member state, there was an obligation to inform the Commission with a view to its possible co-ordination task<sup>60</sup>. The 5th Environmental Action Programme also stressed that the scope of Natura 2000 covered the restoration and maintenance of habitats and corridors in order to create an ecologically coherent network (CEC, 1993, p. 83).

A distinctive communication and information strategy is discernible at several stages in the development of the European environmental policy. The environmental policy with its large amount of specific legislation presupposes the wide availability of data on indicators of the environmental situation. It has displayed a continuous concern to improve insight into the environmental situation and the availability of data for policy-making and policy implementation (Liefferink *et al.*, 1993). First were the periodic environmental action programmes: these were comprehensive and informative documents which covered all measures that were in force and a range of themes on the environmental situation. Secondly, the 5th Environmental Action Programme strengthened the focus on integrating efforts in comprehensive policy approaches with the emphasis on communicating the policy message, e.g. the Natura 2000 concept of an ecological network of wildlife conservation sites in European Union territory. Thirdly, the European Environmental Agency was established with the task of gathering and disseminating information on the status of the environment and the results of environmental policy.

This European Environmental Agency seeks to provide European environmental policy with more complete data and issues requests for further research and reports on the status of the environment. The Agency assists the Commission by collecting and disseminating the data necessary for the implementation of the bird directive and the habitat directive contemplated in the Natura 2000 project. The Agency builds on the previous work of the CORINE programme in gathering data and mapping the distribution of wildlife across the European territory. It also supports the lists of species and the habitat types in the appendices of the bird directive and habitat

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60 Art. 4, Council Directive 79/409/EEC



directive. The Natura 2000 concept can build on this work by requiring the authorities to use the best available knowledge on norms for the conservation of nature in their decision-making on potentially damaging developments in designated sites.

## 1.6 Common Agricultural Policy

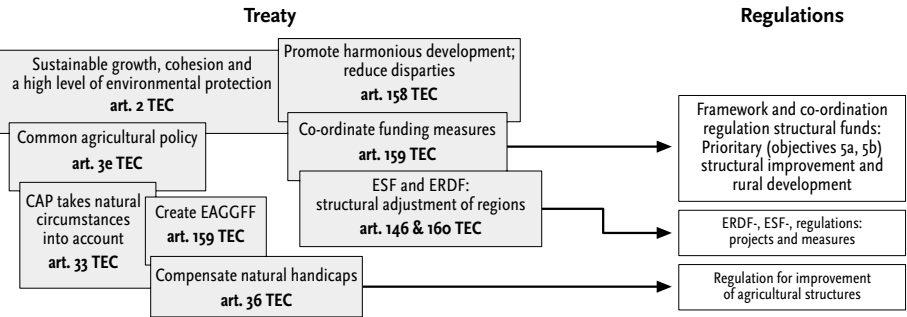
Given the electoral importance of the agricultural sector in general for European countries and the political importance of the sector in Franco-German relations, the common agricultural policy has been one of the driving forces for European integration. Its main concern is the agricultural market and price policy. European agricultural markets are not deregulated, but have essentially undergone a far-reaching harmonisation of national market and price policies. The levels of financial support to the agricultural sector must be understood in the context of time. The creation of a common agricultural policy was undertaken by member states, each with its own national policy which strongly protected and supported the sector (Tracy, 1989). The common agricultural policy has three main elements: the single market for agricultural produce, the improvement of agricultural structures, and rural development.

The organisation and regulation of the agricultural markets has always formed the most important part of the common agricultural policy and even soaks up the largest share of the annual budget of the European Union. The other main element of the common agricultural policy, the improvement of the structure of agricultural production as an economic sector, has never really developed powerfully enough to sufficiently complement the effects of the market and price policy (Tracy, 1989). The agricultural structural policy has never developed in the way originally foreseen as complementary to the regulation of the markets. It was effective in promoting the growth of agricultural production when this was needed in the post-war years, but it did not successfully limit to this growth when that became necessary in the 1970s and 1980s. Although the need is always stressed for a common policy that acknowledges agriculture as an economic sector and its close connection to the rural area as a whole, the third element of the common agricultural policy is the achievement of a more comprehensive systematic approach to rural development. Along with the creation of the European regional policy, more steps were taken

### **Objectives of the CAP in the Treaty (art. 33 TEC):**

- increase agricultural production
- ensure a fair standard of living of the agricultural community
- stabilise the agricultural markets
- assure the availability of supplies
- ensure reasonable prices of supplies for consumers

**Box 1.6** - *Objectives of the common agricultural policy*



**Figure 1.8 - Institutional context of the common agricultural policy**

towards structural changes in agriculture and social and economic development in certain rural areas.

*Basic market and price policy for agriculture*

The core of the market- and price-policy is the organisation of an internal market based on three principles: market unity, Community preference and financial solidarity<sup>61</sup>. On the basis of these principles a market organisation has developed which consists of a system of protected (high) prices for the most important commodities (cereals and milk). This system fits two of the five objectives: stability and the standard of living for farmers.

The institutional context of agricultural policy provides for a strong orientation of decision-making at European level<sup>62</sup>, in particular for market regulation. The arrangements for structural improvement and rural development are organised differently depending on the set-up of the regional policy (see below). Both types of measures are financed by the European Agriculture Guarantee and Guidance Fund (EAGGF), which has a guarantee section for price support measures and a guidance section for structural support. In the Treaty there is a clear attribution of tasks and responsibilities from the member states to the Community in the area of agriculture. Title II of the Treaty is dedicated to agriculture. Articles 38-47 contain the necessary provisions. Firstly, they state that agriculture forms part of the common market<sup>63</sup>, which is the starting point for the establishment and regulation of this common agricultural market<sup>64</sup>. The principles of price intervention and the levy system to protect the internal market are laid down in the Treaty and worked out in regulations and decisions.

<sup>61</sup> Tracy 1989, p. 255-257

<sup>62</sup> The regulation of the sector takes to a great extent place at European level. Decisions on prices and quota e.g., are determined by the Commission together with a committee of national representatives, or by the council of ministers for agriculture.

<sup>63</sup> As provided for in art. 2,3 and 4 TEC

<sup>64</sup> Art. 32, 33, 34 and 37 TEC

The Treaty provides for the possibility of supporting farming in natural (physical) or structurally deprived circumstances and for the possibility of support within the framework of economic development programmes. These two provisions form the basis of the structural programmes that were initially supposed to play an important role alongside market regulation. But the creation of the single market had greater priority and it was only in a later stage, when the regulation of the markets failed to correct the overproduction, that these provisions were applied to regulate and reduce production.

The co-ordination of research, education and information, has never had the follow-up that the founding fathers of the common agricultural policy, such as the Dutch commissioner Mansholt, had in mind<sup>65</sup>. It is organised outside the common agricultural policy, as part of the framework programmes for research and technological development.

The market in agricultural products is regulated for each product group. These regulations do not leave the member states much discretion for implementation, but are adapted to the market and structural circumstances in the member states. The creation of the internal market has led to the harmonisation of almost all the regulatory activities for agriculture by the member states in a complex agromonetary system in which the minimum price for most of the products is decided at European level. Accordingly, community law has gradually become more and more specific and detailed with regard to national implementation, such as monitoring (especially financial checks and fraud), procedures and organisational provisions and sanctions<sup>66</sup>. This is a permanent point of negotiation between member states in committees and the Council of Ministers for agriculture. Adaptations to the developments of prices and problems have always been guided by structural measures meant to improve the performance of the market regulation system, or to compensate for the loss of income in groups of farmers. This has led to a complex set of structural regulations and directives.

Most of the measures mentioned above, have been in force since the early 1970s. The first regulations<sup>67</sup> were aimed at improving productivity and were based on the initial ideas behind the common agricultural policy as laid down in the Treaty. Obviously, the maintenance of such measures stimulated the sector dynamics, but it also contributed to later problems of overproduction. The second type of measure is income support. This was started up for farmers in extremely difficult physical circumstances. The extensification, set-aside and forestry measures were initiated complementary to market regulation problems. The costs of overproduction and the impossibility of changing the system of market regulation forced in the Community into these structural measures. For each type of measure there is a set of directives arranging the possibility of funding from the EAGGF guidance sections to the member states. These measures have to be implemented through national

65 On the basis of art. 35 TEC

66 Kapteyn et al, p. 676

67 Regulations 73/159/EEC, 72/160/EEC and 72/161/EEC

regulations. The subsequent problems led to ongoing adaptation and improvement. But the problems surrounding the effective use of the structural measures persisted, at least till the late 1980s<sup>68</sup>. Attempts to improve the structural measures, to adapt continuously to the changes in the market regulation and the implementation of environmental objectives have resulted in a stronger regional orientation of the structural measures.

#### *Changing focus in common agricultural policy after reforms*

In 1988 the reform of all the structural policies for the Community, including the agricultural structural policies, were combined under the one overarching regulation<sup>69</sup>, which built on experience and previous regulations that offered scope for undertaking a range of measures (see box 1.7). Together these formed the structural policy. In this reform, a special regional policy objective was created for the development of rural areas, thereby partly shifting the emphasis of the rural policy from market regulation to the social and economic cohesion policy. The regionalised rural development policy had the same set-up and worked in the same way as the regional policies. With this reform the agricultural policy became part of the social and economic cohesion policy, thereby following the procedures for geographical concentration, partnership and a programmatic approach as laid down in the framework regulation and the co-ordination regulation.<sup>70</sup> The European regional policy has been based on investments from the structural funds since they were reformed in 1988 and includes aims for the structural improvement of rural areas. The definition of rural areas is limited to criteria of population density (trend of depopulation), gross regional product (under EU average) and the share of agricultural employment in total employment (also under EU average)<sup>71</sup>. The new set-up of the structural funds introduced the system of programmes to be developed and carried out by regional partnerships in regions eligible for funding. The

#### **Common Agricultural Policy: improvement of agricultural structures**

- support of investment in agricultural holdings for modernisation and improvement of productivity;
- adaptation and improvement of vocational training;
- support of incomes of farmers in hill and mountain and other less favoured areas;
- support for farmers in environmentally sensitive areas;
- extensification of production, e.g. through setting aside arable land; forestry on arable land

#### **Box 1.7 - Types of measures in agricultural structural policy**

<sup>68</sup> Also see van der Stelt-Scheele (1989)

<sup>69</sup> Regulation 2328/91

<sup>70</sup> 2081/93 and 2082/93

<sup>71</sup> Regulations 2051/88 and 2080/92. Later changed in objectives 1 and 2 in regulation 1260/99 on a similar basis, albeit slightly more selective.

programmatic and partnership approach is geared to strengthening the regional and local capacity to realise projects and structural changes in rural areas which apparently could not previously be cultivated by existing institutions. But the development of 'real rural strategies' in the eligible areas is strongly dependent upon the ideas and plans in the member states at regional and local level, as a basis for developing a comprehensive approach to rural issues (Buunk, *et al* 1999). An additional bottom-up approach for small-scale local development initiatives is promoted in the Community initiative LEADER for rural development. Both the LEADER initiative and the structural fund programmes focus more on socio-economic development in rural areas, and less on the physical and environmental improvement of landscape.

The recent developments in the common agricultural policy should be understood within yet another context. In a way, the agricultural policy has been highly successful. Production has increased to an enormous surplus. The costs of maintaining the guarantee prices by buying surplus products, storage, and the subsidised sale of products on the world market grew out of hand. With the reforms to the common agricultural policy introduced by European Commissioner Ray MacSharry in 1991<sup>72</sup>, the core of the market organisation remained intact. In the structure of the market organisation reforms there is a shift of emphasis from price support to acreage payments in combination with production cuts by the setting aside of arable land. This shift brings a slightly stronger focus on the structure of the agricultural holdings into the common agricultural policy, as the payments are dependent on the size of the holdings and the set-aside is connected to environmental measures.

#### *Greening of the common agricultural policy*

The MacSharry reforms<sup>73</sup> of the common agricultural policy in 1991 concerned the continued reduction of support for agricultural prices and were carried through in combination with measures aimed at reducing the production as a whole (CEC, 1991). These reforms sought to regain control of the budgetary expenses for the price-support mechanism, although the major factor for reform was the blocking of European policies for the further deregulation of world markets as part of the Uruguay round of the General Agreement on Traffic and Trade (CEC, 1991; Tracy, 1989; van der Zee, 1997). An important element of the MacSharry reforms was the combination of lowering the guarantee level of agricultural prices and the reduction of the overall level of production by a substantial cut in guarantee prices, especially for cereals. At the time, the reforms remained faithful to the basic principle of the common agricultural policy of securing a standard of living for agricultural holdings to a level equivalent to that in other sectors. The reduction of agricultural prices and

72 CEC 1991

73 The long-awaited reforms of the common agricultural policy after decades of surplus production and sky-rocketing expenditures were finally pushed through by European Commissioner Ray MacSharry.

production was thus combined with a system of income support (Tracy, 1989, p. 323). With a view to lowering production, the income support consisted of acreage payments which progressively depended on the size of the holdings. Large holdings that had previously received relatively more of the price-support system lost out to smaller holdings, which were progressively favoured in the new system: 'small farmers would receive full compensation, whereas large farmers beyond a certain size only would get partial compensation' (Zee, 1997, p. 143). Further reduction of production was promoted through the extension of voluntary set-aside measures, urging farmers to leave parts of their land unused<sup>74</sup>. Through the income-support system, the reduction of production became one of the aims of the common agricultural policy. The aim of production control was explicitly connected to the need for environmental conservation. The reform sought to recognise the double role of farmers, as the producer and the guardian of the landscape (CEC, 1991, pp. 12-13).

The lower production targets and the direct income-support system tied the market- and price-policy more closely to the structural aspects of the common agricultural policy. Income support measures had previously existed in the common agricultural policy, but as part of the less sumptuous guidance section of the European Agriculture Guarantee and Guidance Fund (EAGGF). The guidance section initially covered a range of investment support measures, intended to promote the continuous restructuring of the agricultural sector and the modernisation of agricultural practice. But since 1975, subsidies had been granted to farmers in 'less favoured' areas<sup>75</sup> in order to maintain viable agriculture in regions that would otherwise be vulnerable to the negative effects of abandonment (Tracy, 1989; van der Zee, 1997). 'The LFA directive not only introduced the concept of regional differentiation, but also income support in the form of annual subsidies ('compensatory allowances') usually based on the number of livestock per farm. ... The concept of regional aid introduced under the LFA Directive was to become an important element of structural policies' (van der Zee, 1997, p. 147). The LFA measure acknowledged the practical difficulties of cultivating land and of shorter growing seasons in mountainous areas for agricultural holdings that needed to compete in an open market with holdings in more favourable circumstances.

Not only are the aims of environmental protection in the common agricultural policy somewhat dispersed over various measures, they also favour a voluntary approach. New measures and instruments offer opportunities for developing new ways of changing agricultural production and integrating objectives for conserving environmental quality and the natural value of rural areas. There are several instruments for initiating new methods of environmentally-friendly farming. In the common agricultural policy the most important driver of changing agricultural

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74 The reduction of milk production was already introduced in 1984 with the introduction of the quota system for milk (and levies for surplus production). After the later reduction of the quota the number of livestock held by farmers was reduced, and thus - generally - the intensity of land use was reduced in terms of the number of cattle per hectare (Tracy, 1989).

75 Regulation 75/268/EEC

practice is the agri-environmental measures. But there is also a driver for change in the European environmental policy. In order to contribute to the realisation of Natura 2000, the ecological network of protected natural areas, experiments on site management also cover adapted agricultural practice funded by the LIFE programme. The difference lies in the direct agricultural relationship in the (often) experimental management of sites in agri-environmental measures, whereas projects funded by LIFE also include the integration of (environmentally-friendly) leisure facilities. Both measures require a thorough orientation to local environmental qualities and natural value.

With a view to the negotiations for the European budget for the period 2000-2006, the Commission's Directorate-General for Agriculture (DG VI) again made up the state of affairs of the common agricultural policy in the 1990s. Reflecting on the plea in the 5th Environmental Action Programme for the renewal of policy instruments, agri-environmental measures were presented as the new instrument for the common agricultural policy: 'the measures relate primarily to land use' (CEC, 1997, p. 48). Although an extensive effort was made to demystify a possible contradiction with the 'polluter pays' principle of the European environmental policy that is often attached to such a policy, the choice for the voluntary approach through subsidised environmentally-friendly farming was promoted (CEC, 1997, pp. 45-46). Given the strong and direct emphasis on Natura 2000 in the environmental policy, this may prove difficult as such practice will be obligatory under the aim of the habitat directive to ensure a favourable conservation status.

The future developments envisaged by the Commission during the Agenda 2000 negotiations again emphasised the need for better integration of agricultural market- and price policies, structural and rural policies, and environmental policy (CEC, 1997, p. 29). The new path, expressed in the Council's comment on the Commission's proposals, is to bring the various initiatives together through more decentralised implementation, i.e. more direct implementation by the member states. This means e.g. that as long as the reference level of 17.5% of set-aside arable land for cereals is met in order to maintain market stability, the Commission will allow the member states to demand compliance of set-aside with environmental standards before acreage payments are paid. The further proposals of the Commission for strengthening the specific environmental, natural and landscape conditions as a part of measures that were predominantly created for the market- and price policy (hence funded by the EAGGF guarantee section) led to a stronger overall rural approach by the common agricultural policy (CEC, 1997, pp. 32-34). With a view to a more strongly decentralised implementation the burden of elaborating such an approach eventually fell on the shoulders of the member states.

## 1.7 European spatial development issues

In the process of European integration, the member states have conferred many tasks upon the European Union in a series of steps. This has created a policy system

with a diversity of arrangements which have grown upon each other. Time and again, the political and economic logic of the integration process has been reviewed, re-established and reconfirmed in additions or amendments to successive treaties and the institutional set-up. The above-mentioned development of some well-established fields of European policy-making shows that policy implementation takes the integration process further, also between the large steps of European integration. The process of European integration centres strongly on economic integration and the creation of a single market for its member states. This economic integration often prevails in understanding new developments in European integration, despite political decisions on enlarging the Union with new member states, despite the widening of its policies in relation to the issues covered, and despite the deepening of its policies in relation to the extent to which matters are determined in common procedures and European institutions. It is in the context of the European Community, as one of the pillars of the European Union, that the emerging European spatial policy-making can be found in close relation to the process of economic integration (see figure 1.2).

The creation of the Single European Market with the removal of the European internal borders, trade barriers and other protectionist obstructions is the centrepiece of European integration. Yet, from the beginning of the integration project, it has also been seen as a major threat to the economically weaker regions. For that reason the social and economic development of regions has always weighed heavily in European policy-making, both politically and in terms of policy and funding commitments. To prevent possible disturbances in the operation of the free market, these commitments have become geared to strengthening the economic and social structures of the weaker regions. Throughout the years, this has become a more comprehensive approach for specific regions. This reflects a shift from tackling social and economical deprivation to regional socio-economic development opportunities throughout Europe, which should contribute to the creation of a 'level playing field'.

Another step in the creation of the single European market is the removal of border controls. In the Schengen Treaty, a group of member states completely abolished their internal borders, thereby also physically facilitating all cross-border traffic. The removal of physical constraints to the operation of the single European market has moved infrastructure up on the political agenda, especially in a context of competitiveness of the European markets and opportunities for job-creation. It is thought that growing intra-European trade is hampered by inadequate infrastructures, which have evolved in extensive initiatives for creating various infrastructural networks: road, waterway, railway, electricity, water, natural gas and oil networks and networks for telecommunications. The creation of trans-European networks is seen as a contribution to growing infrastructure investments for solving bottle-necks and missing links.

For a long time, the common agricultural policy has been the pivot in the dynamics of European integration, because of the political and economic importance of the agricultural sector. The effects of the creation and subsequent reforms of the



**Spatial development issues, closely linked to the process of European integration**

- structural improvement of regions lagging behind in social and economic development
- creation of European level infrastructure networks
- improvement of the quality of rural areas

**Box 1.8 - Three European spatial development issues**

common agricultural policy upon individual farms and farmers and rural areas have always been a point of attention. Although the relative weight of agriculture in economic terms has diminished, it has kept much of its political pole position, as can be seen in every round of GATT negotiations on international trade politics. The necessary adjustments to the common agricultural policy that result from this, have consequences for land use in rural areas, such as the loss of agricultural use, albeit partly temporarily. Building on existing elements in the common agricultural policy for the sustained agricultural use of rural areas, such as the regulation for less favoured areas, more attention is being paid to supporting changes in agricultural practice which take account of local environmental and natural conditions. This links the common agricultural policy with the relatively fast growing ambition for nature conservation in European policy.

Although reforms to the common agricultural policy are undertaken mainly with a view to international trade relations, there is an increasing interest in landscape and nature conservation. International agreements on nature conservation and the maintenance of biodiversity are also a driver for European policies in this field. The European environmental policy may have added an extra element to European integration since the 1970s; in its final form there is again a strong link between setting common environmental quality objectives and preventing the creation of new trade barriers through national environmental policies. This link to the operation of the European markets has contributed to a relatively fast development of European environmental policy. This is less so for nature conservation. Subsequent environmental action programmes are essential for aligning internationally inspired nature conservation with the European environmental policy. They have placed an emphasis on a more comprehensive approach, the collection and dissemination of information on the state of the environment and the development of differentiated policy approaches. This offers a suitable platform for the process of assessing and protecting existing nature in the Natura 2000 network of natural habitats and species.

The overview of emerging spatial policy-making in various fields of European policy reveals three spatial development issues which are apparently significant for the integration process. The identification of spatial developments in European policies is based predominantly on economic integration. The only exemption seems to be in the field of nature conservation, in which the ambition to create the Natura 2000 network of nature areas as contemplated in the environmental policy bears no relation whatsoever to the operation of the single European market. When these

policies are further examined, a set of spatial development issues can be discerned with a close link to this process of European integration (see Box 1.8). As a spatial development issue, the structural improvement of regions which are socially and economically underdeveloped relates to the way in which the unequal distribution of wealth or development pans out within a region. The perceived inequality is linked to the physical and social aspects of a territory, and the public and private policies, initiatives and actions aimed at improving them are aimed at structural aspects. The creation of infrastructural networks at European level as a spatial development issue refers to infrastructural development in relation to international developments in the economy, notably the opening up of the single European market and similar developments referred to as 'globalisation'. Lastly, the improvement of the quality of rural areas as a spatial development issue refers to the consequences for the physical quality of rural areas where predominant forms of land use (mostly agriculture, forestry and nature) are under pressure to change.

This rather rough outline of European spatial development issues indicates the spatial aspects of the process of European integration which are identified and addressed in European policy-making. For one thing, it is difficult to refine 'improvement of quality of rural areas' further as a European spatial development issue before analysing it more deeply. This broad definition can cover environmental aspects, as well as the more specific protection of natural value, landscape and cultural heritage. This rough outline does, however, show that there are certain spatial development issues which one might expect to be part of European policies, but are not. One example concerns urban development or the urban development pattern, which could not be identified here as a European spatial development issue. Although it is part of the European Spatial Development Perspective, which addresses the concept of polycentric urban development, there is no further link with current European policies. As far as there is an interest in urban issues in European policies, it is identified and addressed in terms of the structural improvement of regions. Another spatial development issue that might be expected in the context of European integration is river management. Although this is clearly a cross-border spatial development issue of European importance it has so far not been incorporated in European policies<sup>76</sup>.

One factor that seems to determine whether spatial development issues are incorporated in European policies is the link to the creation of the single European market. In a wider international context the creation and operation of the single European market is the overarching objective of the European integration process. Logically, the policy fields reviewed above share the link to this objective, as they all fall within the European Community pillar of the European Union, which, to a large extent, covers the former European Economic Community. As a result, European

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76 There is a directive on a framework for a common water policy (Directive 2000/60/EC) that might be the stimulus for the incorporation of such a spatial development issue in European policy-making. Yet, in its current form it is targeted at water quality mostly and not at water quantity (e.g. flood prevention) which is more relevant to spatial development.

policies and member states' policies on these spatial development issues are becoming more closely intertwined. The locus of European integration is constituted in new settings in which representatives of national institutions and supranational institutions are working to find ways to deal with European spatial development issues. The next chapter analyses how these developments in the European Union relate to national trends and the challenge they present to national spatial policy systems.



## Chapter 2

### Spatial planning trends and European integration

#### 2.1 Introduction

European spatial policy-making is emerging in various fields of European policy. There is no such thing as a comprehensive European spatial plan, but it is possible to identify some spatial development issues that are apparently closely connected to the process of European integration. All European Union member states have their own policy system for spatial policy-making, albeit in a wide variety of types and traditions. Just as European policies, such as the common agricultural policy or the common transport policy, will principally relate to their respective national counterparts, the incorporation of European spatial policy-making will somehow also relate to national spatial policy-making. In this chapter, the link between European and national spatial policy-making will be analysed.

In European countries, spatial policy is formally institutionalised in statutory planning systems, consisting of a regulatory regime for land- use planning and local or urban planning. The regulatory regime for land use planning is combined with some form of regional or national strategic planning. The traditional hierarchical statutory planning system of European countries is particularly geared to future developments, i.e. to arranging 'the future distribution of activities' in a certain area or territory (CEC, 1997d). As the statutory planning systems generally are considered as the pivot of spatial policy-making in European countries, the following section (2.2) will start with an analysis of their set-up and development. Next, in section 2.3, a further analysis will be conducted of the trends in national spatial policy-making in the light of the three European spatial development issues. In the final section (2.4) of this chapter an attempt will be made to define the link between emerging European spatial policy-making and national spatial policies.

#### 2.2 Statutory planning and spatial policies in Europe

There is a variety of statutory planning systems and traditions in spatial policy-making in European countries. With a view to the in-depth analysis undertaken in the second part of this research, it is useful to select a limited number of countries on the basis of the characteristics of their planning systems. One way to make such a selection is to focus on the countries that are actively promoting the development of European spatial planning, and can thus be considered pioneer states in this respect. There is something of a tradition in early attempts to get planning on the European political and policy agenda, in particular in the context of the Council of Europe in

Strasbourg, and by professional organisations such as CRONWE (Klerkx, 1995). More recent efforts have been undertaken in the framework of the Interreg programme to promote spatial planning as an instrument in European policies. Noteworthy spatial concepts for Europe have been developed with input from north-western European countries in studies for, amongst others, the North-Western Metropolitan Area and the realisation of the European Spatial Development Perspective (CEC, 1996b; CEC, 1999a). These spatial concepts are representations of the urban network of Europe with an emphasis on the economic core of north-western Europe. North-western European countries are generally more committed to such attempts than their southern counterparts, as the latter fear implications for their share of the European structural funds. In this sense, the north-western European member states can be considered as pioneers in developing a form of transnational spatial planning. For this reason, the analysis of the link between emerging European spatial policy-making and national planning systems will focus initially on north-western European member states.

Member states could also be selected in a way which reflects the diversity of their planning systems. This would, however, prove rather difficult as there is no decisive typology of European spatial policy or planning systems. No such attempt is made in the comprehensive study of national statutory planning systems commissioned by the European Commission, *The EU Compendium of Spatial Planning Systems and Policies* (CEC, 1997d). Instead, four major traditions are identified. First, the tradition with France and Portugal as examples, as well as the German approach to the new *Länder*. In this tradition, socio-economic aims are linked to forms of development control. The Compendium does not cite the United Kingdom as an example, which also has substantial economic development programmes with close connections to the spatial planning policy. The second tradition is the comprehensive integrated approach to planning with the Nordic countries, the Netherlands, Germany (in general) and Austria as examples. In this tradition, a formal hierarchy of spatial plans provides for the coordination of all public policy from national to local level. Ireland and Belgium are considered to be moving in this direction. The third tradition is land-use management with the United Kingdom as an example and the current set-up in Ireland and Belgium. In this tradition, the main thrust of the planning system is the control of land-use development by means of local spatial plans. Local planning is addressed by the strategic planning and planning policy objectives of central tiers of government. The fourth tradition identified in the Compendium is urbanism, which is characteristic of the Mediterranean countries. In this tradition there is a multiplicity of planning legislation for zoning and building control. In practice, the political and social focus is on architectural and urban design for bringing about spatial developments.

Four countries have been selected for more detailed analysis as a representation of the diversity of planning traditions in Europe. These have been chosen because they have a well-established planning tradition and a statutory planning system. The Netherlands has been selected as an example of a country with a fully-fledged statutory planning system and a tradition of national planning. Germany has been

selected for the same reason, but also for its specific arrangements as a federation to deal with federal involvement in spatial policy-making, which is addressed principally by the *Länder*. The United Kingdom is selected for its planning system, which focuses on dealing with spatial developments at local level on the basis of private initiatives, but with far-reaching scope for central government to intervene. Lastly, France has been selected, as country with a traditionally strong role in the public domain for spatial development via funding, and with a decentralised planning system that gives way to profound involvement by regional government. To some extent, the French tradition of spatial policy-making can also be considered as representative of the planning tradition that is associated with the southern European countries.

### *The United Kingdom: spatial planning system and policies*

The United Kingdom is a unitary state comprising four countries and three judicial systems. England and Wales, Scotland, and Northern Ireland have separate legislation for spatial planning (CEC, 1999e, p. 4). According to some, the United Kingdom is an extreme case of a unitary state, because the legal system is such that the lower tiers of government can only carry out activities through an act of Parliament. The influence of central government is therefore extensive (Jeffrey, 1997, pp. 131-144), even more so since the abolition of the regional councils in the 1980s, after which the United Kingdom had two tiers of government. The 36 larger cities have unitary local government called Metropolitan District Councils. The rest of the country has a two-tiered local government system that consists of 39 counties and 296 districts. Only recently there is a rediscovery of the regional tiers, also in England, under influence of the devolution of competencies from central government to Wales and Scotland. Also the 33 boroughs of London have recently been re-united under one mayor. Yet, there is a generally perceived need for an intermediate regional tier between central and local government. The range of decentralised agencies and services of central government merely emphasises the

#### **Changeable public domain in England. Two government tiers, multiple agencies**

Central government: Dept. of Environment (DoE; planning), Dept. of Transport (infrastructure), Dept. of Trade and Industry (DTI); regional and industrial policy, competition, research) regional services of five departments together in Integrated Regional Offices (IROs). Spatial plans: *Planning Policy Guidance Notes*

Local government: two-tier system of County Councils (39) and District Councils (296) or a unitary system for 36 other Metropolitan District Councils. The newly established Greater London Authority has 32 London Boroughs. The Local Development Plan is the basis for issuing permits. Some of the local government tasks, such as planning, may be transferred to public or semi-public agencies such as Urban Development Corporations (UDCs), National Parks or the Rivers Authority.

#### **Box 2.1 - Statutory planning in the political system of the United Kingdom/England**

centralised system of government. The statutory planning system in the United Kingdom differs for each of the constituent parts. For example, the Scottish planning system is different because the Scottish judicial system requires its own acts. Furthermore, the respective Secretaries of State for Scotland, Northern Ireland and Wales have their own ministry, which is responsible for spatial planning. They follow the set-up of the English planning system.

Various central government ministries are involved in spatial policy-making. The Department of the Environment (DoE), which changed to Department of the Environment, Transport and the Regions (DETR) in the 1990s, is responsible for the spatial policy and the planning policy guidance during the period that is covered by this research. Prior to this, there was a separate Department of Transport (DoT) for infrastructural planning and recently the departmental division was changed again. The Department of National Heritage (DNH) is responsible for monuments and historic sites. In addition, the department of Trade and Industry (DTI) is an important initiator of spatial development policies through funding schemes. All developments concerning rural areas fall within the competency the Ministry of Agriculture, Food and Fisheries (MAFF). Central government departments have decentralised services and agencies for the implementation of their policies. These operate jointly to some extent in ten integrated regional offices. Planning legislation is formed by the Town and Country Planning Act (TCP, 1990), the TCP-Listed Buildings and Conservation Act (1990) and the Planning and Compensation Act (1991). These acts are the framework for more detailed procedures in the Planning Policy Guidance (PPG), which consists of a range of documents containing policy statements. In principle, this is the responsibility of the Environment Secretary. When other issues are covered as well, responsibility is shared with the ministry responsible for the issue at stake, e.g. the DoT when infrastructure is involved.

At local level, structure plans are compiled for counties by the County Councils, the highest tier of local government that often covers a considerable area. For specific categories of designated areas, such as national parks, a structure plan is compiled by the agencies which have been given planning authority. Structure plans have a long-term scope, with a time horizon of about 15 years and determine the general strategy for the area. Despite its name, the structure plan is not exactly a plan, but more of a strategic document that indicates the general distribution of new developments and areas to be protected (CEC, 1999e, p. 51). The Local Development Plans are drawn up by the District Councils, the lowest tier of local government. In metropolitan areas the unitary local government draws up a Unitary Development Plan. Local plans are drawn up for a mid-term period of about ten years and contain a detailed (1:5.000/1:10.000) map indicating a zoning scheme and allocations for land use and future development. Some of the responsibilities of local government, including its planning competence, may be transferred to public or semi-public agencies such as Urban Development Corporations (UDCs), the Countryside Commission or the Rivers Authority. Instead of local plans, plans can be compiled for certain issues or developments.

The English planning system is essentially called plan-led, which means that “there is a presumption in favour of development proposals which are in accordance



with the development plan' and that 'an applicant who proposes a development which is clearly in conflict with a development plan would need to produce convincing reasons to demonstrate why the plan should not prevail' (CEC, 1999e, p. 16 referring to PPG1: par. 25). But the English 'common law' system implies that the statutory planning system has a discretionary character in which the focal point is the granting of development permits and not the plans themselves. Therefore, according to Williams *et al.*, the emphasis in analysing the English planning system has to be on the practice of development control rather than on the actual development plans (Williams, 1994, p. 66). Development plans and local planning decisions have to be consistent with PPGs and RPGs, otherwise developers will be able to appeal to the DoE. In practice, there are many central government interventions in local decisions on planning permits. An evaluation shows the application of PPGs in local decision-making, but comments are made on the possibilities of integrating global and detailed guidelines in local elaborations: "On translating PPGs into local policies, because of the uncertainty existing over the combination of broad and detailed policies within the PPGs, local planning authorities do not know whether to adhere slavishly to the wording of the PPGs or merely follow the broad policy" (Tewdwr-Jones, 1997, p. 148). The PPGs cover some 20 themes. Apart from PPG 1, which is on general policy and principles, and PPG 12, which sets out the principles for local plans, development plans and regional planning guidance, PPGs address topics such as Greenbelts (PPG2), Industrial and Commercial Development and Small Firms (PPG4), Town Centres and Retail Development (PPG6), Rural Enterprise and Development (PPG7), Nature Conservation (PPG9), and Transport (PPG13).

As the PPGs are highly effective on specific issues, overarching spatial concepts are provided in national policies. The urban sprawl control concept of the Green Belts will thus interfere with economic development in protected locations. Discussions are underway as to whether the Green Belts concept could be widened, enabling the development of transport corridors, whilst retaining the open space character. The idea is that PPGs are geared to each other. PPG 13 (Transport) calls for a "planning for less travel" which would reduce the need for mobility by influencing "the location of different types of development relative to transport" (Environment, 1994, para. 1.7). Similar indications appear in PPG 6 (Town Centres and Retail Development), which calls for a "strategy for the location of employment, shopping, entertainment and other uses which generate many trips and should be well served by public transport" (Environment, 1995, p. 2, 1.5). Another possibility for co-ordinating and integrating PPGs is in regional planning guidance, as the central government formally draws up regional planning guidance notes (RPGs), but only after consulting regional groupings and local authorities. In situations where local governments and other actors wish to articulate a more coherent development strategy overarching some single development sites, they find themselves confronted with interventions based on these segmented considerations from the PPGs. In the case of Lancashire, for example, it is clear that the innovations are an attempt to break through vertically segmented policy structures which are oriented to central government-local planning

authority. Pressure groups, semi-public organisations and private developers had grown used to this segmentation and they too had to be tempted to co-operate on a strategic level and contribute to developing common understanding and concepts. "This regional capacity building emphasises not merely forgoing new links and interlinking previously separate networks, between public and private sectors, and between different policy networks, it also involves developing new discourses with which to focus strategy development" (Healey, 1997, p. 170).

Another impetus for local strategy development stems from the policy of deregulation of simplified planning control in favour of economic development, which is particularly relevant in relation to European structural funds. Certain areas are eligible for substantial financial benefits administered by development corporations with special powers. The Urban Development Corporations, which were operational until 1998, were specific public-private partnerships, upon which the local planning authority was conferred. In 1992 the possibility was created for areas with a simplified planning procedure: the Enterprise Zones (EZ) and the Simplified Planning Zones (SPZ). In both cases this concerns areas, mostly old industrial sites and employment areas or innovative residential areas, for which central government invites local government to initiate a scheme. This scheme is then approved by central government and includes advance planning permission for the development in the area whereas, normally in the UK planning system, a permit is required for every single project. Additional funding is available on the basis of various measures. In the case of the simplified planning zones, a development corporation may still be established. The procedures are speeded up, as some prior considerations for granting permits are determined which would otherwise have been left entirely to a discretionary process. No additional investigations are required once the scheme is approved. Whereas, normally, the subsidies and PPGs have a similar segmented approach geared to certain topics, they are more interrelated in the simplified planning procedures – but only in these specific areas. Hence, in most other situations, the possibilities for subsidies and the obstacles formed by the preconditions for local plans, planning guidance and environmental standards come together at local and project level, relying on local and project-oriented initiatives.

#### *The Dutch spatial planning system*

The Netherlands is a unitary state with a decentralised institutional set-up. Central government plays a role in all policy fields, but has devolved many responsibilities for the implementation of policies to the twelve provinces and to local government. In order to create the capacity to deal with the growing responsibility a long-term process has been instituted to strengthen local government by reducing the number of municipalities (*gemeenten*). New, larger *gemeenten* will be created and will have a stronger administrative service. Provinces and *gemeenten* are autonomous tiers of government with elected councils and executives and a chair that is appointed by central government.

The statutory planning system neatly reflects the general decentralised set-up of the state. Local government is the planning authority and issues building permits on

### Three tiers of government and influential spatial plans

Central government: National spatial plan by the *ministerie voor Volkshuisvesting, Ruimtelijke Ordening en Milieu* (VROM), strategic spatial plan for infrastructure and programme for construction by the *ministerie voor Verkeer en Waterstaat*, strategic spatial plan for rural areas and for nature conservation by the *ministerie van Landbouw, Natuurbeheer en Visserij* (LNV). Additional national planning key decisions.

Regional government: provinces (12) have a strategic spatial plan (*streekplan*) as a basis for assessing local plans. Various attempts to create new forms of government in urban agglomerations have failed. Instead, various informal joint local authorities are being established and role of the province in co-ordinating strategic policy-making in the regions is being strengthened.

Local government: *gemeenten* (650 in 1992, now fewer than 500) are responsible for issuing planning permits according to the local plan (*bestemmingsplan*).

#### Box 2.2 - Statutory and the political system of the Netherlands

the basis of zoning in obligatory local plans (*bestemmingsplan*). At the intermediate tier, a strategic spatial plan (*streekplan*) is drawn up by the provinces. Together with the comprehensive national strategic spatial plan of central government (*Nota Ruimtelijke Ordening*) and with various national sectoral plans these form a set of comprehensive indicative spatial plans. The local plan is the only legally binding plan, but it needs to comply with the indicative plans. The local plan formally is the principal frame of reference for issuing building permits. As many building permits require a departure from the existing local plan or require revision of the local plan, there is formal ground for the provincial government (and sometimes central government) to be involved in local spatial policies and decision-making.

Central government has a prominent role in spatial policy-making as the Netherlands has a strong tradition of national strategic spatial planning (Mastop, 2001, p. 224). Since 1960, when the first *Nota ruimtelijke ordening* saw the light of day, there has been a regular update every 8 years or so of the national spatial plan, which covers the entire national territory. The national spatial plans have always placed a strong emphasis on housing and urban development. The background for the concepts employed in the national spatial plans is a contained spatial development, leaving intact the existing pattern of a range of cities with open spaces in-between (Faludi and van der Valk, 1994). This is reflected in terms such as *Randstad* and *Groene Hart*. *Randstad* refers to the two chains of cities in the urbanised western part of the Netherlands, covering the Amsterdam-Utrecht agglomeration and the Rotterdam-The Hague agglomeration. *Groene Hart* ('green heart') refers to the predominantly rural area between these two chains. The fourth national spatial plan, adopted in 1989, also stresses the aim of keeping cities compact by selecting a limited number of sites for large-scale housing development. The notion of spatial segregation of various forms of land use is discernible in other forms of national strategic planning. In addition to the national spatial plans, there

are national strategic plans for various other policy sectors with a strong spatial element. In the envisaged fifth national spatial plan, for which the first formal concepts were discussed in parliament in 2001 and 2002, the aim for a contained development of the urban centres is sustained.

Formally, the national strategic plan is the co-ordinating framework for various sectoral plans (Mastop, 2001, p. 234). But since the 1990s, in particular, there seems to have been a multitude of indicative strategic spatial plans which are developed in competition between several central government ministries. The Ministry of Agriculture and Nature Conservation draws up the *Structuurschema Groene Ruimte*, which elaborates further on the national spatial plan for rural areas. The main focus in the rural areas is on the spatial division of various forms of land use, notably agriculture and natural areas. The segregation of land use focuses strongly on the spatial concept for an ecological network of natural areas (*Ecologische Hoofdstructuur*), which is laid down in the national plan for nature conservation by the same ministry. The Ministry of Economic Affairs and Transport argues for new business sites and infrastructure in addition to focusing on Rotterdam harbour and Schiphol airport in Amsterdam as 'Mainports' in the national spatial plan, which are important in relation to the European infrastructure policy of the trans-European Networks. These 'Mainports' are promoted as the drivers for economic development. This again results in an aim for the restricted development of new sites, preferably as close as possible to public transport, the so-called A, B, or C locations, in view of environmental concerns about growing car mobility (Martens, 1999). This creates a pile of strategic spatial concepts that feed into the statutory planning system and hamper adequate decision-making in the regions in a situation where economic development and the need for new infrastructure are a burden to the aims and system of national strategic planning. New legislation is speeding up decision-making procedures on large infrastructural projects to avoid NIMBY use of public consultation procedures in every stage of the statutory planning system (Mastop, 2001, p. 240-241). Though this legislation changes the formal procedures to allow for decision-making that is co-ordinated directly by central government, it does not go far enough according to an important advisory council to national government. This council suggests that a fundamental change of the Dutch statutory planning system is necessary to give it a more pro-active set-up (WRR, 1998).

#### *Germany and North-Rhine Westphalia*

The German Federation has a five-tier government system. The Federation, the *Bund*, comprises 13 states (*Länder*) and three city-states (Berlin, Hamburg and Bremen). The federal government and the governments of the *Länder* can both be considered as central governments, in particular where statutory planning systems and spatial policy-making are concerned. Local government is formed by the municipalities (*Gemeinde*). Between these lies is an intermediate tier of local government, uniting several municipalities in a joint local government/decentral *Land* government for a district, the *Kreise*. The larger cities are independent and, being *Kreisfreie*, fall directly under the government of the *Land*. Between the *Kreise*

**Five tiers of government and their main spatial plans. A clear-cut public domain.**

Central government: The federal state (*Bund*): *Raumordnungspolitischenorientierungsrahmen*

The *Länder* (13) and 3 city-states: *Landesentwicklungsplan* (not in North-Rhine Westphalia)

Regional government: *Regierungsbezirke* or *Bezirke*: decentral offices of the *Länder* governments (five in North-Rhine Westphalia): Regional Plan

Intermediate local government: the *Kreise* (districts) encompass several municipalities.

Decentralised agencies of the governments of the *Länder*; act for the local government for certain services. Larger cities are 'independent' and do not fall within these districts (*Kreisfreie Städte*);

Local government: the municipalities (*Gemeinde*) and the independent cities form the local government tier: *Bebauungs-Plan*, *VeU-Plan*

**Box 2.3 - Political system of Germany/North-Rhine Westphalia**

and the government of the *Länder* are the non-autonomous regional offices of the government of the *Länder*, the *Regierungsbezirke* or *Bezirke*, which carry out some of the tasks of the *Länder*. A large *Land* such as North-Rhine Westphalia (18 million inhabitants) has five of these regions, notably the *Bezirke* Münster, Arnsberg, Detmold, Dusseldorf, and Cologne (Turowski, 1998, p. 8; Schmidt-Eichstaedt, 1996). The first salient characteristic of Germany, as a federal state, is that the spatial planning system consists of two parts: the framework offered by the federal planning system and the more detailed planning system of the *Länder* within it. For practical reasons, the situation of one the *Länder* will be described below in detail when this is necessary. North-Rhine Westphalia is chosen because it is a large *Land* that is considered to show all characteristics of spatial policy-making (in terms of issues and instruments) in Germany.

Starting at local level, the spatial planning system of the German Federal Republic provides for a local plan that is legally binding to the citizens. Individual cases have to be tested for their compliance with this plan. Each building project needs a permit (*Baugenehmigung*) under the spatial planning procedure (*Raumordnungsverfahren*) which is based on the *Baugesetzbuch*, the spatial planning act of the *Land*. As a principle, un-built areas are protected from development. If there is no local plan (*Bebauungsplan*) a permit can be issued following the spatial planning procedure as long as it concerns a project within built-up areas. For large-scale developments a new *Bebauungsplan* has to be drawn up, mostly preceded by an indicative plan (*Flachennutzungsplan*). Since 1993, private developers have been able to use a new type of plan in which they can present their intentions and ideas, namely, the *Vorhaben und Erschließungsplan* (*VuE plan*). This can be resolved by the local authority (Schmidt-Eichstaedt, 1996, pp. 1-10).

The set-up of these procedures and requirements is largely similar for the *Länder*, although it may vary according to their own laws. The new federal planning act (*Raumordnungsgesetzbuch*), which has been in force since January 1998, makes provisions for reducing these differences between the *Länder*. The regional plan

takes precedence over the local plan and falls within the competence of the *Land*. Regional plans are drawn up in a dialogue between the municipalities and the decentralised regional government in the *Land* (*Bezirke*), according to the so-called 'counter-current principle' (*Gegenstromprinzip*). This is a general principle used in German government to organise the working relations between the tiers of government, thus securing the involvement of subordinate tiers in the preparation and implementation of the policies and plans of a higher tier. The regional plans are internally binding for the public actors involved, namely, the municipalities and the *Kreise* that participate in drawing up the regional plan. In this process, according to the counter-current principle, the *Länder* take their spatial plan (*Landesentwicklungsprogramm* or *Landesentwicklungsplan*) as a starting point (Schmidt-Eichstaedt, 1996, pp. 1-10).

A similar mechanism is applied between *Bund* and *Länder*. The federal government only sets out general guidelines for the spatial policy in their spatial program (*Raumordnungspolitischorientierungsrahmen*). A regular detailed report on spatial development is submitted to the *Bundestag*, the federal parliament. The *Länder* participate in the federal spatial policy through the standing conference of ministers for spatial planning (*Ministerskonferenz für Raumordnung, MKRO*), according to the same counter-current principle. In the *MKRO* the legislation, the programme and the reports on spatial developments are prepared jointly with the federal minister. As the bureau of the federal minister of spatial planning is limited, cooperation with the *Länder* is a necessity and is actively stimulated though the exchange of officials. This way of setting up co-operation between different sections of government is called *Politikverflechtung*, or political interwovenness, which can also be seen as an example of European policy-making: "Political interwovenness may be said to be an apt description of the situation in any form of spatial planning where powers and resources need to be integrated into one coherent package. In order to effectuate intended spatial development, the parties to the game need to invoke various powers other than planning legislation and to draw on many of their resources. So there needs to be an element of positive commitment." (Faludi, 1998a, p. 11).

Besides the federal department for spatial planning (*Bundesministerium für Raumordnung, Bauwesen und Städtebau, BMBau*), various other actors are involved in spatial policy at federal level. There is a federal institute for regional studies and spatial planning (*Bundesamt für Bauwesen und Raumordnung*). This institute draws up reports on regional and spatial development as well as co-ordinating research programmes and compiling pilot plans. There is also an institute for the environment (*Umwelt Bundesamt, UBA*). This is a scientific advisory agency, which besides environmental issues, takes care of the environmental planning information system (UMPLIS) and contributes to monitoring tasks for the European Union. Then there is a federal institute for nature conservation (*Bundesamt für Naturschutz*) which fulfils a research and advisory role for the federal government, the *Länder* and nature conservation organisations. Finally there is an advisory council for spatial planning (*Beirat für Raumordnung*) (Schmidt-Eichstaedt, 1996, p. 47).

### France

Two catchwords can be helpful to understand the French institutional context of public administration and policy-making on spatial development issues: hierarchy and fragmentation. The first catchword refers to the complexity of the French public administration. France has a four-tier system for public administration: central government, regions, *départements* and municipalities. All tiers of government have elected councils and presidents. Since the decentralisation process, the regions have played a major role in policy-making and policy implementation. The regions and central government jointly draw up a multi-year programme (*contrat de plan État-Région*), in which the budget priorities also set the trend for all policy fields, including spatial planning. The traditional French centralised state can still be recognised in two lines through which central government ensures the implementation of its policies. First, there are the decentralised services (*directions décentralisées*) of the central government ministries, which either have direct responsibility for carrying out policies, or use their specialised expertise or other resources to assist lower tiers of government. Secondly, at two sub-national levels of administration, the regions and the *départements*, there are central government officials (*Préfets*) who see to it that the national policy priorities are implemented by the lower tiers of government. In the regions and *départements*, the *Préfet* and his office, the *Préfecture*, deal with the elected councils and their presidents. The *Préfet* is supported by (and responsible for) the decentralised services of the ministries of central government, the most important being the regional and departmental services of the Ministry of Infrastructure and Building (*directions régionales et*

#### Fragmentation of public domain. Four tiers of government and decentral national services

Central government (*État*): Ministry of Infrastructure/Housing (*Équipement*), Ministry of Environment and Planning, Interdepartmental Committee for Spatial Development (*Comité Interministériel d'Aménagement du Territoire, CIAT*), Inter-Ministerial Planning Agency (*Délégation à l'Aménagement du Territoire et à l'Action Régionale, DATAR*). The 1995 provides for a national spatial plan but none has been made so far

*Région* (22): elected regional council and president. *Préfet* appointed by central government, responsible for decentralised national services: *DRE* (infrastructure etc.) and *DRIRE* (environment). Spatial plan: The 1995 planning act provides for a regional spatial plan but this is not compulsory; *Contrats de plan État-Région* have been more important until now, next to the social and economic *plan de la région*.

*Département* (approx. 95): elected council and president. *Préfet* appointed by central government, responsible for decentralised national services: *DDE* (infrastructure etc.).

Municipalities (*Communes*, approx. 36.000): Municipal council and mayor. Intercommunal authorities (like metropolitan joint authorities, the *communautés urbaine*, *communautés de ville*, *communautés de commune* or districts for an *agglomération*): Spatial plans *POS* and *SDAU* are not obligatory.

#### Box 2.4 - Political system and statutory planning in France

*depratementales d'équipement: DRE/DDE*), the Ministry of Agriculture, (*directions régionales/ départementales de l'agriculture et de al forêt: DRAF/DDAF*) and the Ministry of the Environment, (*directions régionales de la recherche, de l'industrie et de l'environnement: DRIRE*). The *Préfet* of the *département* is the representative of all of the decentralised services of central government (CEC, 1999b). Besides the institutional arrangement mentioned above, there is another way in which vertical co-ordination is secured. Characteristic of the French political system is the *cumul des mandats*, which means that elected officials (*élus*), such as members and presidents of councils or mayors, can hold several mandates at several tiers of government. This cuts through the vertical division of responsibilities.

The French statutory planning system is concentrated around two types of plan, the local plan (*Plan d'Occupation des Sols, POS*) and the strategic supra-local plan (*Schéma Directeur d'Amenagement Urbaine (SDAU)*). The *Schéma Directeur d'Amenagement Urbaine (SDAU)* is a strategic plan for urban agglomerations. Like many instruments in French spatial policy, it is not obligatory but it can be drawn up when the various municipalities decide to co-operate and is then authorised by the *Préfet* of the *département*. There are about 200 of them. The regions can draw up a *plan de la région*, following the economic planning, and depending on local ambitions and priorities (CEC, 1999b). So far, most regions have relied on the priorities in the *contrat de plan*. The 1995 planning act (*loi d'orientation pour l'aménagement du territoire*) provides for a national and a regional spatial plan (Dreyfus and d'Arcy, 1997, p. 235). So far, there has been no comprehensive national spatial plan or strategy. The inter-ministerial committee *CIAT* and the planning agency *DATAR* are responsible for national spatial policy and focus on the co-ordination of sectoral policies and programmes which are relevant for spatial development.

The local plan is legally binding and covers the zoning of urban or residential areas, density of building and nature areas with a view to granting development permits. Roughly half of the municipalities (about 15,000) have a *POS*. If a municipality does not have a *POS*, or lies outside areas for which a *POS* is made, there are very strict rules for granting these permits, but even then, possibilities exist e.g. by establishing a zone for new developments (*Zones d'Amenagement Concerté, ZAC*). The management of such an area is delegated to a form of public-private partnership, the *Société d'Economie Mixte (SEM)*. If a need arises for a detailed form of zoning in order to protect an area of development, the *SEM* can create a special *plan de sauvegarde et de mise en valeur* (Acosta, 1993; CEC, 1999b). The *aménagement du territoire* thus works through granting permits under the *POS*, but it must be in step with the granting of infrastructure subsidies and the development of business sites.

As many of the municipalities are very small (there 36,000 in France, mostly with only a few hundred inhabitants), they participate in a common agency, the *établissement public de coopération intercommunale*, to, amongst others, sustain their own services. The smaller municipalities can participate in an agency established under private law (*agence d'urbanisme*), which is partly financed by central government and upon which the local planning responsibilities may be conferred.



The larger municipalities and cities have their own urban services, the *services d'urbanisme* (CEC, 1999b). The decentralised services of central government deliver additional services to these agencies or the municipalities, mostly through the *Direction Departementales de l'équipement (DDE)*, the *Chambres d'Agriculture* and the *Directions Régionale de la Recherche de l'Industrie et de l'environnement (DRIRE)*. Either because they share the funding of a project or measure, or because they have the necessary expertise at their disposal, these services often are involved in local spatial policy-making.

*Statutory planning forms: multi-tiered policy systems in a state of change*

The national statutory planning systems are hierarchical, multi-tiered policy systems in which the co-ordination of policy-making and decision-making processes between the various tiers of government is carefully arranged. In view of the emerging European spatial policy-making, it is interesting to see how these multi-tier arrangements are changing. In the United Kingdom the regional tier of government was abolished altogether in the 1980s, and spatial planning has been searching for ways of regaining some of its prominent position in policy-making ever since. National planning guidance now directly influences local decision-making on the granting of building permits. In France, the process of regionalisation focuses strongly on spatial policy priorities in negotiations on the economic development package in the *Contrat de plan*. In the Netherlands, the need for decision-making on large infrastructural projects is overtaking the strategic spatial plans. In Germany, the enormous investment in infrastructure in the new *Länder* after unification is a strong impetus for speeding up decision-making procedures. This then puts pressure on the carefully created balance between the *Länder* and the *Bund* in spatial policy-making, which is typical for the German federation. The *Länder* also claim more influence in European policy – which was previously considered foreign policy and hence in the federal domain – because they are responsible for its implementation (Faludi, 1998b; Deeg, 1995).

Statutory planning systems and policies in the European Union member states are subject to internal change. The central role that is reserved for statutory planning in spatial development is being questioned, especially in Germany and the Netherlands. This is leading to a variety of public-private partnerships to bring about spatial developments. Statutory planning is gradually declining in importance, as plan documents are not attuned to shifting priorities in society. In Germany, there is a concern for regional development in the *Länder* which is urging local governments to co-operate more closely, even though the planning and competencies of local governments are strongly geared to a pattern of distribution of development opportunities (ARL, 1994; ARL, 1995; Fürst, 1993). In the Netherlands, policy systems in environmental planning, nature conservation, and water management planning are, to some extent, mutually competitive. Decision-making processes are perceived as slow because they are locked in the procedures of complex planning systems. Moreover, spatial planning has lost its logical connection to the planning of housing projects as a driver for urban development (WRR, 1998, pp. 44-51). The

English planning system is in fact reactive, awaiting initiative for spatial developments from outside the planning system. The realisation of spatial developments depends heavily on initiatives from private developers. After focusing strongly on arranging co-operation between a limited set of project-oriented parties, such as the Urban Development Corporations, attention is turning more to co-operation at strategic level in regions. Both local governments and stakeholders need to get re-accustomed to this (CEC, 1999e; Healey, 1997). In France the outcome of negotiations between *Région* and *État* on the magnitude of public investments determines the shape of the subsequent strategic spatial planning for agglomerations amongst others. In the process of decentralisation, the substantial role of the various sections of the rather fragmented public domain is preserved.

The emergence of European spatial policy-making is not an isolated development, but needs to be seen in relation to changes in national spatial policy-making. These national statutory planning systems and spatial policies are also changing their ways in which they deal with spatial development issues. The emergence of European spatial development issues is undoubtedly influenced somehow by these changes. Before focusing on this link between European member state policies in section 2.4, below some of the trends in spatial policy-making in the member states are analysed first. This will be done with a particular interest for similar issues like the three spatial development issues that appear to be so important for European integration: structural improvement of regions, development of infrastructural networks and the quality of rural areas.

### **2.3 Trends around European spatial development issues**

There is a wide range of pro-active approaches to spatial development in the European Union member states. Policy mechanisms for the distribution of public funds and generating private investment for certain public aims create various settings for negotiating development in the public and in the public-private domain. In the structural improvement of regions, one can detect a rise of what Healey calls 'collaborative planning approaches' in Europe (Healey, 1997). In infrastructural development all the member states are starting to show a renewed interest in public efforts to improve infrastructure and public transport. There is wide variation in the underlying reasons for this interest and the priorities. As far as the quality of rural areas is concerned, the member states have an extensive array of legislation and instruments for the protection of certain sites. Besides the odd national parks, a trend is emerging towards developing new ways of integrating nature conservation and traditional cultural-historic landscape with economic use and social objectives.

The various regional development approaches in the member states are analysed first below, followed by a discussion of the renewed efforts in infrastructural development and the approaches to rural quality. The various funding mechanisms are analysed in detail to reach an understanding of how they relate to changing spatial policy-making.

*The German 'Gemeinschaftsaufgabe'*

In the German federation the solidarity of wealthy regions with less developed regions is institutionalised in the *Gemeinschaftsaufgabe Verbesserung regionale Wirtschaftsstruktur* (GRW), which reflects an ideal of cohesion that is highly similar to that of the European Union. The *Gemeinschaftsaufgabe* has found a solid place within German policies: "Seit der Einführung des Art. 91a in das Grundgesetz und der damit verbundenen Schaffung der Gemeinschaftsaufgabe 'Verbesserung der regionalen Wirtschaftsstruktur' (GRW) hat sich die regionale Wirtschaftspolitik in der Bundesrepublik zu einem eigenständigen, fest umrissenen Politikbereich entwickelt, in dem national definierte Zielsetzungen der regionale Strukturpolitik die Vorgaben für eine einheitliche und abgestimmte Regionalpolitik bilden. Bund und Länder bestimmen in einem politischverantwortlichen Planungsausschluß gemeinsam über Fördergebiete, Fördereinhalt und Förderprogramme" (ARL, 1992, p. 36). The Ministry of Economic Affairs is responsible for this structural economic development aim at federal level with participation by the Ministry of Spatial Planning (the *BMBau*), and the Ministry of Agriculture and Forestry (the *BML*). These representatives of the federal government and the governments of the *Länder* decide jointly on the priorities and aims of this regional policy in a *Ministerskonferenz*, the standing conference of the federal ministers of economic affairs and the governments of the *Länder*. Each year they decide on the regions which are eligible for funding and on the programmes drawn up by the regions and the *Länder*. In North-Rhine Westphalia the *Land* draws up the development programmes and executes them through development agencies (*Landesentwicklungsgesellschaften*, *LEG*). These *LEGs* are relatively autonomous, semi-public agencies which are formed and financed by the *Land* and have tasks in land acquisition, planning and providing infrastructure, planning and constructing development schemes for housing, industry commerce, culture etc., and in the management or sale of the completed projects (Schmidt-Eichstaedt, 1996, p. 103). The municipalities and cities have their own semi-public development agencies (*Wirtschaftsförderungsgesellschaften*) in networks of private actors, businesses and developers for joint action to foster, stimulate and initiate development activities.

Regional development in North-Rhine Westphalia focuses strongly on the re-development of old industrial areas, notably in the Ruhr region. Regional development projects based on shared ideas are addressed in North-Rhine Westphalia in *Regionalkonferenzen*. These regional conferences are spontaneous, new and relatively open policy networks of private, semi-public parties, local authorities and social organisations, which initially emerged in the Ruhr region. The regional conferences have changed the approach of the *Land* of North-Rhine Westphalia; it has merged with the new initiatives and aims to combine the preparation and implementation of the programme for the *Gemeinschaftsaufgabe* and regional and local priorities. European and German funding are brought together around the actual projects which are undertaken. Parts of the territory of North-Rhine Westphalia are designated as objective 2 (underdeveloped industrial area) and objective 5b (rural development areas). With a view to accessing European decision-

making on structural funding, the *Länder* governments compete with the federal government and with local initiatives in the search for the appropriate level for regional development programmes (Wannop, 1995). The main initiator and coordinator of the implementation of European-funded programmes is still the Ministry of Economic Affairs (*Wirtschaft, Mittelstand, Technologie und Verkehr*) in the *Land* of North-Rhine Westphalia.

#### *French public-funding mechanisms*

Spatial policy-making in France concentrates strongly on the distribution of public funding over the country, including funding for the structural improvement of regions. There is a heavy emphasis on economic development, which is orchestrated by central government and stems from a tradition of centralised economic five-year planning (*planification*) by the *Commissariat du Plan*, under the auspices of the Ministry of Economic Affairs. The XIth and last of these plans for the period 1993-1997 contained only general objectives and none of the specific investment priorities that used to guide spatial development. The decline of the national plan is a consequence of the decentralisation process that started in 1982 and favoured greater independence for the 22 regions, including the transfer of half of the state budget to the regions as a tailpiece. Besides this, the implementation of central government policies is characterised by efforts at co-operation with lower tiers of government (Dreyfus, 1997, pp. 217-260, 337-338). Since 1995, a new instrument has existed for this cooperation: a contract between central government and regional authorities on several fields of policy. These multi-year programmes (*Contrat de Plan État-Région*) have become the backbone of French public administration and regional development.

At central government level the *Sécrétariat-General d'Amenagement Regional* (SGAR) prepares and conducts negotiations on these contracts. The elected president of the regional council participates in the negotiation process on behalf of the region together with the *Préfet*, who is essentially a representative of the central government. The expenditure from the fund for national spatial development (*Fonds National d'Amenagement et de développement du Territoire, FNADT*), and from other funds for urban and rural development form part of these negotiations. Hence, the Ministries of Environment and Spatial Planning (*environnement et aménagement du territoire*) and Infrastructure and Housing (*équipement, transport et logement*)<sup>77</sup> are also involved. The new contract approach to funding as a consequence of the decentralisation process promotes a link between the manifold public authorities in France, facilitating the interwovenness of different government tiers and different policy domains. The implementation of the priorities agreed in the contracts with the regions is co-ordinated by the inter-ministerial committee *CIAT* and its agency *DATAR* and further

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77 Note that the assignment of responsibilities and agencies to ministers or ministries often varies between governments: before 1995, the Rocard government consisted of 49 members (ministers and secretaries of state, the *secrétaires d'État*), the 1997 Jospin government only had 27 members, 14 of whom were responsible for a ministry (Dreyfus and d'Arcy, 1997).

implemented by the decentralised services of the ministries in the regions and *départements*. The Ministry of Infrastructure and Housing (*équippement*) is an important actor in the implementation of policies for the structural improvement of regions. Infrastructure has always been seen as an important instrument for economic development. In the funding mechanisms for economic development, an important role is played by investment in infrastructure. Furthermore, it secures the involvement of central government at regional, local and possibly even at project level through the decentralised services of the Ministry of Infrastructure (the *DRE/DDE*). Basically, statutory planning follows the investment priorities.

The statutory planning system has a strong development objective: "The *aménagement du territoire* is first and foremost a policy of the state, which combines policies for regional and local development with the development of infrastructural projects intended to encourage economic development" (CEC, 1999b, pp. 128-129). Spatial policy links up with the public funding of regional and local development and with the development of infrastructure, also with the intention of encouraging economic development. The European structural funds complement the various French funding mechanisms. The link between the national funding and European funds falls initially under the responsibility of central government, and negotiations on the amount of funding and eligibility of regions are assisted by *DATAR*. The implementation of the programmes, once the eligibility of a region has been determined, falls within the competency of the regions in accordance with local authorities.

#### *Renewed Dutch interest in funding mechanisms for structural improvement*

The Netherlands have hardly any tradition in regional and economic policies. Apart from a general investment premium for certain deprived areas, the WIR and the IPR, and somewhat more substantial efforts in the three Northern provinces, little was done in regional economic development after the 1960s. In the Netherlands there is a limited perception of regional differentiation in the need for structural improvement. Only two regions have received special attention from central government over the years: the former mining region of Limburg and the relatively peripheral Northern provinces. There is still a structural development programme for the North.

Structural social and economic development issues are predominantly identified in the urban core areas. Urban core areas are also identified in the national strategic spatial plans, in which local authorities receive additional funding for e.g. infrastructural development. For the integration of approaches for structural development at regional level, the main responsibility rests with the provinces. The implementation of the procedures for investment from the European structural funds is the joint responsibility of the provinces and central government. With the so-called *ICES* fund in which the revenues from natural gas are deposited, a new practice developed in this field in the 1990s. There is no specific regional approach, but projects for structural economic improvement need to be submitted directly with this interdepartmental committee of central government.

*The United Kingdom and its English regions*

In the United Kingdom there is a variety of approaches in which public funds are applied in negotiations on spatial developments, which include public and private parties. In the United Kingdom, regional development is undertaken in various ways in negotiation processes on development involving both public and private players. From the level of central government, the Department of Trade and Industry (DTI) is the main initiator of regional development actions. The DTI has several programmes, e.g. the regional selective assistance, in which regions are qualified as development areas or intermediate areas for assistance with national funding by the DTI on the basis of unemployment rates and other indicators of economic performance (CEC, 1999e, p. 104). The predominant mechanism in this policy is the granting of subsidies to projects or enterprises according to several distinct programmes; these are mostly grants for investments in job-related projects, including the costs of land purchase, site preparation and buildings, plants, and machinery. Regional Enterprise Grants are available for investment projects in the manufacturing and service sectors. The Coalfield Areas Fund is specifically aimed at communities that have long relied on collieries for employment. Furthermore, there are regional economic development organisations that are partly financed by the DTI, local government and private parties to promote certain areas.

In addition to the funding possibilities offered by the DTI for unemployment-related investments, there are also the spatial policy-related measures. The subsuming of these measures leaves a few programmes that need to be mentioned: the Single Regeneration Budget, the City Grant, the Derelict Land Grant and English Estates. The Single Regeneration Budget brings together some 20 grants and schemes aimed at urban regeneration from various Departments, such as Education, Environment, Employment, Trade and Industry and the Home Office, in a single budget. The City Grant programme is aimed at older urban areas in England and the economic and physical regeneration of the rundown inner city areas. The City Grant is available from the English Partnerships, a statutory agency. The Derelict Land Grant and English Estates have a similar set-up and objectives, but are more specifically aimed at property development and the preparation of abandoned sites for new use.

The preparation and implementation of measures and programmes are therefore undertaken by a network of decentralised offices of central governments, which are now united in Integrated Regional Offices (IROs). (CEC, 1999e; Tewdrwr-Jones, 1997). The European structural funds also fall within the competency of the DTI and the implementation of programmes for European funding is co-ordinated by the government offices (Jeffrey, 1997). Projects may receive a combination of English and European subsidies from several programmes and, as in European funding, English schemes often require private participation. Local governments are involved in structural improvements within their territory in two ways: as initiator and as facilitator. There are several possibilities for their role as initiator, as many of the above-mentioned programmes offer scope for partnerships in which local governments participate. As a facilitator, they mainly have to provide for the building, development or other permits when private developers take the initiative.

There was a practice in the United Kingdom in which these roles were integrated at local level. In the Urban Development Corporations (UDCs) the public and private players participated jointly in order to develop certain areas. These UDCs applied for subsidies, but were also given planning policy competencies to grant permits.

Structural improvement of regions is strongly geared to private initiatives at local level, albeit with strong local government involvement in applying for subsidies as well as in granting building permits for development. This has consequences for the role that developers play in land speculation and risk calculation. Because of the reliance on private initiatives and the response of local governments, there is no overall conception of regional development. According to planners, there is insufficient capacity for integration because planners and local communities look at developments from sectoral perspectives. In many cases there is no broader strategic conception of a city as a whole. In Lancashire, an innovative attempt was made to create a more coherent strategy with a new emphasis on environmental issues, including the involvement of environmental groups for information and agenda-setting on the formulation of strategic policy related to minerals planning instead of regulatory control. Thirdly, consultants were used to provide information and to help conduct studies to articulate positions in the study for the regional economic strategy (Healey, 1997, p. 163). Despite attempts like these, it is still proving difficult for the local government to change planning practices.

In their struggle with central government over local initiatives, the European Union has offered external possibilities. Since the creation of the European Regional Development Fund in 1975, two years after the UK became a member of the European Union, successful lobbying has provided for an increasing sum of funding. "UK local authorities were the natural beneficiaries of the UK's high quota and its 'indicative range' of the total regional budget. The high take-up also reflected local authority awareness of the available funds and, before 1988, the importance of direct contact with Directorate General XVI to access the small proportion of regional funds which were controlled directly by the Commission" (John, 1997, p. 133). Before the creation of the Integrated Regional Offices that represent several central government departments in the regions, the local authorities were the main administrative bodies responsible for European programmes, which allowed them to "develop a special relationship with supranational policy-makers ... Thus Strathclyde region and Birmingham city were successful in lobbying for integrated development operations which brought together the administration of programmes in their areas and added some extra funding (Merseyside, Corby, Manchester and Trafford, South Humberside, South Yorkshire and Clwyd were other areas)" (John, 1997). Later, the formation of the IROs (or 'Government Offices') provided central government, especially the DTI, with a renewed and firm grip on European Union funding, and pushed local government back in a bidding position.

#### *Infrastructural development in Europe*

The debates on transport and infrastructure, in which the concept of trans-European networks is formed, reflect a renewed public interest in infrastructural development

in the European Union member states. The north-west European member states already have high-grade motorways. Apart from new motorway development in the new German *Länder*, in most countries the main issue is extension and refinement of the existing network of motorways around urbanised areas with heavy traffic and congestion problems. The debate on creating European infrastructural networks entered the European Union policy agenda when high-speed trains were already operational on several routes in Germany and France. Although this is leading to competition between France and Germany who are both pushing their own system of high-speed train – the *Train à Grande Vitesse (TGV)* vs. *Intercity Express (ICE)* – other countries, such as Britain, Belgium, and the Netherlands have been actively participating in the development of ideas to create a high-speed rail network since the early 1980s. The issues of enlarging the infrastructural investment, privatisation and deregulation of rail transport, which are part of the concept of trans-European networks, are also trends found in the member states.

Most countries are engaged in a process of liberalisation or even privatisation of rail transport, albeit at various rates. Whereas Germany is in a slow and cautious process of liberalisation of the *Deutsche Bundesbahn* and the French *SNCF* is still firmly embedded in the institutions of central government, the British and Dutch government are directing most of their efforts at separating the railway companies from the government and the actual liberalisation (Netherlands) or even privatisation of the national railway companies (UK). Since the early 1990s, the liberalisation trend has been paralleled in most European countries by a trend towards stepping up infrastructural budgets and the search for private capital. France has a traditionally strong focus on infrastructural investment and development in its planning policy, and inevitably started with large-scale investment in high-speed trains after the commercial success of the first line. In Germany, the unification process is demanding huge investments, particularly in infrastructure. Although most efforts are made in the new *Länder*, the network for high-speed *ICE* trains is being developed and further refined in the western part of the country as well.

The United Kingdom has not joined this trend of increased public expenditure on infrastructure. Instead, it saw substantial cutbacks in budgets and lagging political interest in infrastructural planning and projects during the Conservative era. With little belief in the macro-economic benefits of infrastructural investment, the emphasis in the United Kingdom is on private investment and revenues from users (Waterstaat, 1998, p. 25). In the Netherlands, the privatisation of the railways is not so much a complete withdrawal of state involvement in public transport as in the United Kingdom, since it is paralleled by substantial investment in the renewal and upgrading of railway infrastructure in general. But, as in the United Kingdom, there is a strong interest in attempts to seek private participation in the construction of tunnels and new railway infrastructure.

The privatisation of railway companies, growing expenditure on (railway) infrastructure and the attempts to create opportunities for private participation in infrastructural investment are paralleled by yet another trend: speeding up



procedures for the planning of infrastructural projects. Traditionally, infrastructural planning, as such, is a fairly unequivocal policy field with strong central government involvement in most European Union member states. In most European countries the planning, construction and maintenance of local roads and transport systems is carried out either locally or at regional level. But even then, for the main local projects, e.g. in the larger cities, contributions from national budgets are often required (CEC, 1999b; CEC, 1999c; CEC, 1999d; CEC, 1999e). It is central government itself that sets priorities for the main new infrastructural projects, mostly through multi-year budgets. Infrastructural planning is traditionally based on technical expertise of transport needs.

In France, technical planning and the realisation of infrastructure characterises spatial planning as whole. Traditional technical engineering expertise is deeply embedded in policies and government, in particular with the decentralised services of the ministry of *Équipement* at regional level and in the *départements* (CEC, 1999b). Public expenditure and infrastructural planning is a profound part of French planning. Infrastructural development, in particular motorways and industrial sites, has long since been the core of French planning. Strong policy principles follow from this technical and needs-based policy, such as the French principle that the network of motorways needs to be accessible from a standard distance or within a set time (45 driving minutes or 50 km) throughout the country (CEC, 1999b). Obviously, the development of the TGV fits perfectly into the tradition of the strong central government role in the planning and construction of infrastructure.

Functional infrastructural planning in Germany, the so-called *Bedarfsplanung*, relies heavily on scientific insight into future transport needs (CEC, 1999c). But the combination of *Bedarfsplanung* with elaborate public hearings in procedures for planning consent in the *Raumordnungsverfahren*, and environmental-effect assessment is proving time-consuming. The process of German unification is putting huge public and political pressure on the rapid realisation of a range of infrastructural projects. Federal government is strengthening its position in infrastructure vis-à-vis the *Länder*. Directly after 1989, the federal government initiated a programme, the *Verkehrsprojekte Deutsche Einheit* (Schmidt-Eichstaedt, 1996, p. 135). Federal legislation for infrastructure planning was adopted in which the construction, maintenance and management of main infrastructure became a federal responsibility and the procedures were considerably speeded up in the *Verkehrswegenplanungsbeschleunigungsgesetz*.

The United Kingdom is an exception to the European trend. As in other member states, the technical preparation is carried out by the Department of Transport (DoT, later DETR and since then changed again), in which e.g. the Highway Agency draws up plans for development of the road system. Central government takes care of the "planning, building and maintenance of roads including regular traffic forecasts and a trunk road programme for new roads and improvements" (CEC, 1999e, paragraph B20). During the Conservative era there were substantial cutbacks in budgets accompanied by lagging political interest in infrastructural planning. There was little

belief in the macro-economic benefits of investment in infrastructural investment while the emphasis in cost-benefit analyses was on costs and the revenue from users (Waterstaat, 1998, p. 25). Major new infrastructural projects were, to large extent, dependent on private initiative and on funding, not only for railway infrastructure, but for road infrastructure as well. The lack of initiative in the United Kingdom for the realisation of the projects at the British side of the high-speed rail link through the Channel Tunnel led to discussions on the responsibility for and authority over large infrastructural projects in Britain. The Channel Tunnel was the most notable project engaged in by the United Kingdom in the 1990s. The tunnel itself was built, financed and run by the private consortium Eurotunnel. But additionally, a large budget was needed for major projects directly connected with the tunnel, such as the construction of the high-speed rail link to London (estimated at between NLG 3.6 and 4.1 billion in 1991), the further upgrading of the rail network in the region (another NLG 4.5 billion) and the conversion of Waterloo Station into the international railway station for London (NLG 1.8 billion) (NEI, 1991, p. 60). The lack of initiative stemmed from an act of 1987 stating that the British Government would not contribute to the construction of the tunnel or the high-speed rail link. It was only when it became clear that the high-speed railway would still be missing after the tunnel itself was completed that the central government realised that it had a problem. The outcome of the debate was that Parliament would be involved in the decision-making on infrastructural projects at an earlier stage in order to speed up the processes. Finally, a law passed in 1994 set out the path for a public-private partnership to complete the high-speed rail link to the Channel Tunnel (CEC, 1999e, p. 161).

In the Netherlands, the Ministry of Transport and Public Works (*Verkeer en Waterstaat*) is responsible for the planning, construction and maintenance of the main infrastructure. During the 1990s, this ministry could draw on increased budgets for infrastructure from the natural gas revenues and could rely on new legislation, the *Tracéwet*, to speed up procedures legislation for planning consent on the new routes (CEC, 1999d). Legislative amendments allowed for speedy decision-making in which projects were judged on their own merits, but a need also arose for a new setting for strategic choices on whether or not to develop new infrastructure. These strategic choices were, in turn, linked to the search for private investors. Whereas any large new spatial development in the Netherlands previously had to be deliberated in the national strategic spatial plan, now each new large infrastructural project individually followed the procedure for the so-called national 'key planning decisions', (*planologische kernbeslissing*) (Pestman, 2001). Full planning consent was established according to the new infrastructure legislation.

#### *The quality of rural areas: the conservation of landscape and nature*

Three approaches to the quality of rural areas can roughly be distinguished in spatial policy-making in Europe (Hoggart et al., 1997, CEC, 1997c, CEC, 1997d). Firstly, there is the broad rural development approach, which is closely related to funding mechanisms for improving working and living conditions in rural areas. This focuses on the possibilities for agricultural production. By all accounts, this

approach is strongly influenced by the common agricultural policy and, in particular, by the part of the European structural funds which is oriented to regional development. Meanwhile, the reform of the common agricultural policy opens ways to relate to more specific policies aimed at the protection of landscape and natural value. This analysis will be restricted here to these two approaches, which are more specifically geared to the physical quality of rural areas. A second approach that can be distinguished is a variety of ways in which the quality of the traditional landscape is preserved. A third approach is more specifically aimed at nature conservation. In the policy systems of the countries under consideration here, these two approaches are intermingled to various degrees. For example, all the member states have a policy for designating nature reserves or national parks. Obviously, these are areas with distinct natural and landscape value. Their establishment is not only aimed at preserving specific value, but also at promoting tourism and recreation and management, or even strategic policy-making. Besides these general aims for nature parks, all the member states have distinct legislation for the protection of nature in specific sites. Lastly, it is interesting to see that there are various ways in which the member states seek to arrange integrated ways to deal with complex approaches to the environment, the conservation of nature and physical development.

The conservation of nature and landscape is a major part of English spatial policies as the English countryside is highly valued in society. There are ten national parks and 7% of English, Scottish and Welsh territory is designated as Sites of Special Scientific Interest (SSSIs) (CEC, 1999e, pp. 109-111). Furthermore, there are 38 Areas of Outstanding Natural Beauty (AONBs) in England and Wales, varying in size from 16 to as much as 2000 km<sup>2</sup>. The national parks are designated to improve the natural beauty of areas and public access and enjoyment. The SSSIs are specifically aimed at the protection of flora, fauna or geological features on the basis of scientific ecological data. The most important sites are designated as national nature reserves. Also, special protection areas selected on the basis of the European habitat or bird directives are designated SSSIs. The AONBs are designated for preserving and enhancing the landscape. As well as the Department of the Environment, the Ministry of Agriculture and Fisheries (MAFF) has an instrument for preserving the quality of rural areas. The ministry is responsible for the designation of Environmentally Sensitive Areas and Nitrate Sensitive Areas. These are both areas in which farmers are required to adapt agricultural practice and which receive compensatory allowances based on funding mechanisms or the common agricultural policy.

Various central government agencies in the United Kingdom are involved in these categories of nature and landscape protection. English Nature is the central government agency that is responsible for designating and coordinating the management of the SSSIs. Landowners can receive compensation payments. The Countryside Commissions are the authorities responsible for the AONBs. They also have a budget for improvement of the landscape, e.g. by planting trees. Like English Nature, this is a central government agency with seven regional representations in England. There, the idea is to bring together the regional representations of the

various agencies into one regional office in the future, in order to improve the co-ordination between the various approaches to preserving the quality of rural areas. Besides English Nature and the Countryside Commission, this may also include the National Rivers Authority. English Nature and the Countryside Commission also play a role in securing the implementation of designations in local development plans and regional planning guidance. In national policies, PPG 7 contains the general aims for the conservation of the natural and landscape value in SSSIs and AONBs and requires coherence with e.g. infrastructural development. What is interesting about the English national parks is that they can have far-reaching responsibilities, including planning authority. This means that instead of the local government, the park's board draws up the local development plan and issues planning permits.

After decades of improving agricultural structures by means of large-scale reconstruction of rural areas, the focus in the Netherlands has drastically shifted since the mid-1980s. The preservation of the remaining small-scale landscapes with natural value is promoted in extensive land-allocation plans (*Landinrichtingsprojecten*) and efforts have even been undertaken to create new nature areas. The improvement of landscape is promoted in certain areas with subsidies for so-called *Waardevolle Cultuur Landschappen* (CEC, 1999d, pp. 95-97). Statutory planning has increasingly been involved in protecting the landscape or natural value of parts of certain areas (Huiteima, 1998). Since the early 1990s, a comprehensive spatial perspective has been developed in national policies for the protection of nature. The Ministry of Agriculture, Nature Conservation and Fisheries is the main ministry responsible for this concept, which envisages the creation of a robust network of ecological areas throughout the Dutch territory (*Ecologische Hoofdstructuur*) (LNV, 1990). This concept is translated into national, regional and local statutory plans which secure basic protection for these areas. The main Dutch instrument for nature protection is the *Natuurbeschermingswet*, which provides for far-reaching protection of specific sites of natural value. The use of this instrument is restricted to a limited range of smaller sites.

The aims of the concept are a robust network of core areas, corridors and areas in which nature is redeveloped. The largest of the core areas of the Dutch ecological network is the Veluwe, woodlands in the centre of the Netherlands of some 90,000 hectares, which only has two minor sites that are designated as protected areas. Furthermore, there is a policy for establishing national parks. Again taking the Veluwe as an example, there are two national parks in the area. These are mainly intended to improve co-ordinated management of certain areas between various ministries, provinces and local government. The main instrument for realising the ecological network is the acquisition of land by central government, either from private owners of woodland and estates or from farmers, after which it is handed it over to one of the public or private nature management organisations. These organisations receive further funding for managing or redeveloping these areas and central government is involved in determining the management aims on the basis of a scientific system of environmental objectives.

The main responsibility for nature conservation in Germany lies with the *Landesregierung*. The basic instrument for preserving the quality of rural areas is the designation of protected natural areas and landscapes (MURL, 1994). The legislation may vary slightly between the *Länder*. The *Land* of North-Rhine Westphalia aims for a network of natural areas that is strongly similar to the Dutch concept of *Ecologische Hoofdstructuur*. This is not a coincidence, as scientific institutes for nature protection in both countries have a strong influence on shaping the nature protection policy and there are many exchanges and contacts in the professional community of biologists and ecologists. In North-Rhine Westphalia, the *Landesanstalt für Ökologie, Boden und Forsten* (LÖBF) is the expert institute that supports the Ministry of the Environment, Spatial Planning and Agriculture (*Ministerium für Umwelt, Raumordnung und Landwirtschaft*, MURL). The LÖBF further maintains close relations with regional agencies with the federal scientific institute Bundesamt für Naturschutz for the management of and scientific research into natural areas. The concept for the ecological network of protected areas for North-Rhine Westphalia is entitled *Natur 2000*. This was laid down in the 1995 *Landesentwicklungsplan* after it had been launched earlier in a discussion document drawn up with aid of the scientific institutes (MURL, 1994; Jong, 1999, p. 75). As North-Rhine Westphalia has no separate policy document for the conservation of nature or landscape – in contrast to some of the other *Länder* – the *Landesentwicklungsplan* directly indicates the natural areas that need to be protected and is further elaborated by the *Bezirke* and *Kreise* which carry out designations in detail.

In addition to the existing protected natural areas in North-Rhine Westphalia, the 1995 *Landesentwicklungsplan* offered two new policy categories with a view to the creation of the *Natur 2000* network of ecological areas: stepping-stone areas, or *Trittsteinlebensräume*, and *wertvolle Kulturlandschaften* (MURL, 1995). The idea behind the latter was different from the Dutch concept of nature-development areas and placed a stronger emphasis on the historical-cultural landscape of areas in agricultural use. Instead of acquiring land like the Dutch, the focus in North-Rhine Westphalia was on the extensification of agricultural land use to help maintain the natural value of a larger area around specific sites. Obviously, farmers could benefit from compensatory allowances for the realisation of this extensified land use.

In France, there is a general concern for preserving the pure agricultural rural ethos and landscape. The decline of agriculture and the traditional rural lifestyle are a main concern for rural policy. The aim of various funding schemes is to maintain agriculture, help young farmers taking over farms, diversify local economy and so on (CEC, 1999b, p. 85). The *chambres d'agriculture* play an important role as an official farmers' organisation in drawing up and implementing measures. Apart from the social consequences, the disappearing agricultural activity and depopulation are a threat to landscape and nature, especially in mountainous areas. Not surprisingly, six of the seven national parks established in the 1960s are in mountainous areas. The Board of National Parks co-operates with various public authorities and the (usually few) inhabitants of the area on conservation measures. For other mountainous areas, general restrictions apply to the planning and development of facilities for

tourism, for which an area policy is drawn up by a committee presided over by the *préfet* (CEC, 1999b, p. 88).

The rural planning act (*Code Rural*) provides for various specific instruments for nature conservation (Nivet, 1995). Areas with particular qualities can be designated as nature reserves, or as *Zones de protection du patrimoine architectural, urbain et paysager*, or as *Espace naturel sensible*. Nature conservation is basically delegated to the *Départements* that are responsible for these designations as well as for arranging funding for measures or the acquisition or management of sites. The *Département* has to levy a special local tax to gain this funding. Thus, the protection of nature and the environment depends mainly on initiatives at the local level, though the decentralised services of the Ministry of the Environment (*DRIRE*) do some monitoring and support measures. The regions can play a role in additional funding for measures for nature protection when this is provided for in the *Contrat de plan État-Région*, but more so with the competency of designating regional nature parks as contemplated in the *Code Rural*. These *Parc Naturels Régionaux* are a formalised partnership between local authorities for the purpose of conserving nature and landscape in an area, as well as for promoting social and economic development in the light of the general conservation aims. The park is established on the basis of a plan and has spatial planning competencies.

## 2.4 Where European issues and national approaches meet

When examining emerging European spatial policy-making it seems obvious to look at European policies as merely adding an extra tier to the existing national multi-tiered statutory planning systems. This view is difficult to maintain. Above, the search for the link between emerging European spatial policy-making and national spatial policy-making indicates that there must be a variety of settings in which the two meet. This variety starts already with differences in set-up and scope of European policies in which the three European spatial development issues are addressed, as shown in chapter 1. The variety in national statutory planning systems in the European Union member states, both in the set-up and scope of the issues covered further add to this variety.

The national statutory planning systems vary widely in set-up as well as in the scope of the spatial development issues covered. The Netherlands and Germany both have a fully-fledged spatial planning system for land-use regulation with spatial plans at central government tier (or the *Land*), the regional and the local tier (CEC, 1997d; CEC, 1999c; CEC, 1999d). In the Netherlands, this is combined with a strong national tradition in strategic planning (CEC, 1999d; Alterman, 2001; Faludi and van der Valk, 1994). In Germany, the combination with the federal set-up of the state has mechanisms of formal joint policy-making by several government tiers, i.e. the *Länder* and the *Bund* (Faludi, 1998a; CEC, 1999c). The United Kingdom represents a tradition of planning practice that centres on private development alongside the statutory local development plans (Healey, 1999; CEC, 1999e).

Furthermore, the United Kingdom is characterised by strong central government involvement in local decision-making (Tewdrwr-Jones, 1997). France represents spatial development policy that is closely linked to funding mechanisms for economic development and infrastructure, but also for the protection of landscape and the environment (CEC, 1997d; Hoggart, 1995). This is employed in a development of strengthened regional planning and policy-making (CEC, 1999e; Healey, 1997).

Systems of statutory planning, with formal plans that provide for zoning and the regulation of current and future land use were intended as the pivot of decision-making on spatial developments: "Spatial planning embraces measures to co-ordinate the spatial impacts of other sectoral policies..." (CEC, 1997d, p. 24). But spatial developments are often invoked by other policies on, say, housing, urban development, transport and infrastructural development, funding mechanisms for regional and economic development, the environment, and agriculture and rural issues. Traditional statutory planning is becoming less relevant due to fragmentation in the public domain and the increasing direct involvement of social organisations and the private sector in bringing about spatial developments (Lukassen, 1999, pp. 20-22). Statutory planning is no longer the sole mechanism for integrating various social developments which have a spatial impact.

This means that also European spatial development issues will not be addressed by the statutory planning systems in the member states exclusively. The emergence of a European multi-tiered policy system that is limited to the policy domain of spatial policies cannot be expected; instead, emerging European spatial policy-making appears to be a form of governance in which the European and various national institutions form the 'hard infrastructure' and in which new relations of "policy objectives and strategies are articulated and linked to programmes of action" in a variety of ways (Healey, 1997, p. 215). Emerging European spatial policy-making takes place in networks in which representatives from various government tiers participate in joint policy processes and decision-making. European spatial development issues are addressed in parts of these networks in a wide array of policy arenas, that cover various national policy domains, as well as private initiatives for bringing about spatial developments, and in which European policies are linked to processes of national, regional and local spatial policy-making.

The spatial development issue of the *structural improvement of regions lagging behind in social and economic development* is characterised by policy arenas around mechanisms for allocating public funding and mobilising other additional sources of investment. There are differences in the extent to which these policy arenas are found within the public domain or on the fringe of public, semi-public and private domains. In France, Germany, the United Kingdom, and in European policies there is a similarity in the approach of selecting specific areas for structural development instigated by public funding. In the Netherlands this is less so, although there is a move towards project-oriented funding mechanism in the so-called ICES. The selection of regions that are eligible for investment programmes takes place mainly at the level of central government, as in the case of the German *Gemeinschafts-*

*aufgabe*, or at the fringe of European and national central government as in the case of European structural funding. In the efforts to match public and private funding, negotiating situations are created at regional or local level in partnerships in which spatial developments are realised. In the German and English approaches, there is a strong thrust for linking private initiative and investment to public expenditure, as exemplified by *Regionalkonferenzen* in the Ruhr area. In France, these negotiations are strongly concentrated in the public domain in which central government links up with the regions and local government links up with the regions in negotiations over the *contrats de plans*. In the case of the European structural funds, a regional partnership includes European-level representatives as well as local authorities and relevant semi-public organisations such as employment services.

National central governments are the main initiator for the larger infrastructural projects through programmes which express the regular national priorities. Policy arenas around the spatial development issue of the *creation of European level infrastructural networks* are more or less new. They are predominantly formed by national central government representatives and other nationally operating actors who are already participating in their respective national policy arenas. The concept of trans-European networks, which is about different types of networks, merely offers opportunities for opening up and interlinking previously separate policy arenas in something of a new set of policy arenas. Representatives from national central governments are urged to co-operate with the aim in the trans-European networks programme for bringing together existing and new infrastructural elements in networks and filling in missing links. In all member states there is a drive to speed up decision-making on projects but with limited funding opportunities. The trans-European networks programme does not offer much additional funding; this also promotes public-private partnerships to increase the total investment in infrastructure.

The broad definition of the spatial development issue of the *improvement of the quality of rural areas* probably addresses a wide range of different policy arenas. The member states have long-standing traditions and systems in rural policies, nature conservation and related environmental policies. There are separate regulatory and funding regimes with permanent subsidies for agricultural production. Along these functional divides, institutional divides are firmly established. These are found between and within ministries, like the *Ministerium für Umwelt, Raumordnung und Landwirtschaft* (MURL) in North-Rhine Westphalia and in the Dutch Ministry for *Landbouw, Natuurbeheer en Visserij* (LNV). National, regional and local policy arenas in the preservation of environmental quality and the conservation of nature and landscape often include semi-public or private actors e.g. *Chambres d'agriculture* or English Nature, down to private landowners and farmers, upon whom new environmental standards and nature conservation standards are imposed. Both functional and institutional divides have contributed to spatial divides, separating nature areas from agricultural land and occupied land from abandoned land. In the Netherlands this is reflected in the strategic spatial concept for creating an ecological network of natural areas, whereas a similar concept for North-Rhine Westphalia



seeks to integrate the actual cultural-historic features of the landscape with the conservation of nature. In this respect, the international and European dimension adds to existing fragmentation in preserving the quality of rural areas. But like initiatives in the member states, there is also a desire for re-integration. The aim of Natura 2000, the project for a European ecological network, is to complement the sites designated under manifold national legislation on the conservation of nature. Besides this project, the shift in the common agricultural policy towards more integrated rural development is emphasised with the need for encompassing rural development plans and with the agri-environmental measures.

Emerging European spatial policy-making is a new step, or at least a new element in the process of European integration. In the light of the formal tasks attributed to the European Union, this may seem an odd development. In the light of the developments in national spatial policy-making it merely seems to fit in with diverse patterns of changing policy practice, which have the diminishing central position of statutory planning systems in decision-making on spatial developments in common. This study therefore needs to analyse emerging European spatial policy-making by focusing on the arenas in which actors from various government tiers and from various policy domains participate in identifying and addressing European spatial development issues.



# Reflection I



## Chapter 3

### European integration in the light of planning theory

#### 3.1 Introduction

Although spatial policy or spatial planning is not defined explicitly as a European task or responsibility, forms of spatial policy-making are nonetheless emerging in a number of European policy domains. The process of European integration focuses strongly on economic integration and the establishment of the single European market. It has evolved into a close form of co-operation between the member states, for which a unique joint policy system has been established. This policy system consists of a fully-fledged formal regulatory framework and policy instruments that have been gradually built up for various European policy domains which all have their basis in the formal provisions of the Treaty. Given the complexity of this European policy system and the variety of member states' policy systems to which it is linked, European spatial policy-making is inevitably emerging in a diversity of ways.

In the introduction to this study we have observed that with this emerging European spatial policy-making reflects an increasing relevance of the link between the processes of political, economic and policy integration and the territory of Europe in which they take place. With this link being explicitly identified in various policies, bits and pieces of what is the geography of European integration are being revealed. We have introduced the concept of the 'locus' of European integration as a concept that makes it possible to analyse whether the process of European integration is indeed becoming more closely linked to its geographical space, or whether it remains a foot-loose process in which political and economic integration remains detached from the territory in which they take place. With the concept of 'locus' of European integration we are not only trying to understand how the European territory is identified in the process of integration or, in other words, to define the geography of European integration. We also seek to understand emerging European spatial policy-making that deal with this spatial dimension of European integration as way to further the process of integration. With the concept of 'locus' we try to grasp the spatial dimension of the process of European integration as it is identified in European policies, as well as the development of the formal institutional context and informal policy processes in which European spatial development issues can be addressed. We need to draw upon different bodies of theory in order to elaborate on this concept of the locus of European integration and to further investigate the role of planning identifying and addressing spatial aspects of issues at stake, and thereby to the dynamics of European integration.

In this chapter we shall attempt to define some key notions on the basis of theories of European integration as well as planning theory and policy network

theory. Using theories of European integration, we shall try to gain an understanding (in section 3.2 below) of how new fields of action are incorporated in the framework of European co-operation, also when there is no deliberate formal choice to initiate a new field of action. We shall suggest that emerging European spatial policy-making needs to be seen as a new form of governance. In the next section (3.3) we shall draw on planning theory to gain an understanding of the role of planning for European policy-making. To address the concept of the locus of European integration, we need to define the role of planning in the process of European integration. We shall propose in section 3.4 that, in order to discover the locus of European integration, we need to analyse the contribution of planning to European governance.

### **3.2 European integration and spatial policy-making**

As European integration has been going on for almost fifty years, there are obviously many theoretical perspectives on the process of integration and the European institutions and policies that have been established within it. Below we shall draw upon elements of neo-functional integration theory, political integration theory and insights from European law to deepen our understanding of emerging European spatial policy-making. More recently, a developing theory of multi-level governance has added a potentially fruitful approach to understanding European policy-making.

#### *Spatial policy-making in the light of theories of European integration*

The analysis of European Union institutions and policies in the first chapter shows that spatial policy-making is emerging in the context of the European Community pillar of the European Union. In this initial observation we tried to identify European spatial development issues in terms of their close connection to the core of European integration, i.e. the establishment of the single European market. Although the nature of the spatial development issues that are addressed in European policies can be related to the core of the process of European integration, it is not completely clear why exactly these need to be addressed on the European tier. Many planners, if asked, come up with clearly different priorities for a European spatial policy agenda such as the development of Europe's cities or river management. The efforts that have been undertaken so far to draw up a spatial concept for European spatial planning bear witness to this, such as the perspective on development of the Central Capital Cities region for the Interreg programme and the efforts for drawing up the ESDP. In contrast to the three spatial development issues we have identified in current European policies, a central position is claimed for the urban development pattern in Europe, evolving in the concept of 'polycentric urban development' (CEC, 1999). Besides the urban issue, it seems logical that many cross-border spatial developments merit attention at European level. Some issues, such as the protection of birds, have appeared on the

European agenda whereas others, such as river management, are addressed in a very limited way<sup>78</sup>.

The idea that the pattern of European spatial development can be defined and conceptualised, and thus needs to be addressed in European policy-making, corresponds with a neo-functionalist approach to European integration, which sees the European Union as an international organisation that offers an effective solution to an international policy problem and focuses on the “scope of shared European policy issues” or the “transfer of policy competencies from Member States to the European level” (Wallace, 1996). In the neo-functionalist perspective the basic idea is that the “careful pursuit of common interests would bring about an increasing harmony of perceived interests” (Wallace, 1990, p. 63). Another element of the neo-functionalist approach is the emphasis on the various institutions that have been established in European integration. The supranational institutions will eventually be state-like sovereign entities. The regulatory framework is seen as the result of bargaining by the member states on the Community’s budget, but “beyond and beneath the highly visible politics of member state bargaining lies a dimly lit process of institutional formation, and here the Commission has played a vital role” (Marks, 1993, p. 392). This particular perspective is further developed by Majone in a distinctly different view of the European Union as a regulatory regime, because: “...Member States have been forced to develop new regulatory capacities on a unprecedented scale... . European integration has meant ‘rule creation’ – new and generally better rules both at the national and supranational levels – other than simply ‘rule diversion’ from one level of government to another” (Majone, 1996, pp. 125-126). In the neo-functionalist perspective, the European Commission is considered to play a particularly crucial role in expanding its competences in European policy-making and the issues which it covers.

The well-established framework of the European regional policy and the common agricultural policy allows the Commission to play a prominent role in the issues covered in these policies. Also, the inclusion of nature conservation in the European environmental policy can be understood from the perspective of the initiating role of the Commission. In the completion of its ‘state-like’ competencies, the Commission has played a leading role in building up the entire environmental policy, with the European Parliament as a strong supporter. In the Common Transport Policy, the Commission has played a less prominent role. Only when the member states themselves started pushing for infrastructure as part of European policies did the Commission and the European Parliament strengthen the European dimension by promoting a comprehensive approach in the concept of trans-European networks.

Besides the neo-functionalist perspective on European integration there are other theories which we can draw upon to understand the emergence of spatial policy-making in European policies. The development of new European policy fields is

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78 The cross-border problem of quantitative water management is the object of study in the IRMA Community Initiative and later the Interreg III programme funded by the ERDF as part of the European regional policy.

often closely connected to the core of European integration, i.e. economic integration. The aim to create the single European market is so deeply important to European integration – both politically and for most European policies – that we can speak of the internal market paradigm. The European regional policy is motivated in particular on the basis of this internal market paradigm, as it is thought that substantial investments for tackling the structural problems of certain regions will resolve the negative effects of the creation of the single European market. But this regional policy – a policy of economic redistribution which is often questioned from an angle of economic reality – is also targeted from the perspective of economic integration theory.

Basically, economic integration theory aims at gaining insight into “the intensity of economic transactions: of the growth of an interdependent economy out of previously autonomous economic units” (Wallace, 1990, p. 55). But in the early days of European integration in particular, theories on international economic integration were non-existent; there were only theories on international trade. According to Wallace, “European policy-makers have therefore been to a considerable extent flying blind in economic integration, hitting areas of turbulence every time they grappled with issues in which underlying economic assumptions and ideological preferences diverged” (Wallace, 1990, p. 66). Ever since then, more attention has been paid to the political element in economic integration by political-economic theorists. They emphasise the relationship between patterns of political and economic development, but with a dominant interest in the political aspects: “there is no simple or inexorable transition from contact through trade to the emergence of political community” (Wallace, 1990, p. 55). Lieshout argues accordingly that European economic integration has always served the political aims of the Franco-German relationship in which the concern of the *Westbindung* of Germany after World War II paralleled the French wish for retaining international power (Lieshout, 1996). Later steps towards European integration, such as the currency exchange unit (ECU), the decisive step towards market integration with the Single European Act in 1986, the creation of European Monetary Union (EMU) and the adoption of the Euro can also be seen as in the light of this power struggle.

The analysis of political integration often concentrates on ‘high-politics’ (Marks, 1993). However important this may be for understanding the major steps in European integration, it is hard to develop such an analysis for emerging European spatial policy-making. New steps are “deliberate actions by authoritative policy-makers to create and adjust rules, to establish common institutions...”, which are “by definition a discontinuous process, proceeding treaty by treaty, regulation by regulation, decision by decision” (Wallace, 1990, p. 54). The major steps towards European integration are the result of negotiations between the member states. As a new field of action in European policies, spatial policy-making is not the result of such negotiations, and in some cases, it has strong regional or local government involvement. In an analysis of the incorporation of environmental issues in European policies, Andersen and Liefferink observe the difficulty of a shift in theoretical orientation from conventional international political theories towards a



policy analysis that tends to treat member states as unitary actors (Andersen and Liefferink, 1997, p. 8). They stress the significance of existing trends in domestic policies for development of European policies.

In their analysis, the incorporation of new fields of policy-making in European integration is the result of a mixture of intergovernmental bargaining among member states, inter-institutional bargaining between the Council, Commission and the European Parliament as supranational European institutions, and bureaucratic bargaining involving Community and national civil servants and experts (Andersen and Liefferink, 1997, p. 8). In addition to this view, we can distinguish two levels of European integration: first, a level of 'high-politics' that is characterised by these processes of bargaining between member states and European institutions in which the major steps of Treaty-making are undertaken; and second, the level of day-to-day policy processes and decision-making in which European integration is progressing as well, albeit in smaller steps. "The Treaties, including the Maastricht Treaty, have been ambiguous and open-ended...", and after the adoption of a new Treaty, 'there is the less transparent, but very consequential, process of post-Treaty interpretation and institution building. The causal logic of this process varies across policy areas' (Marks, 1993, p. 395). The European spatial development issues in which we are interested are merely a follow-up to political struggles over other policy issues, such as the creation of the internal market in various stages or reforms to the agricultural policy. European spatial policy-making emerges in the practical day-to-day implementation of policies that are established as a result of 'high-politics', in which these policies are further defined and developed and thus also add to progressing European integration.

Both the 'high-politics' perspective and the perspective of day-to-day policy-making on the process of European integration require a thorough understanding of European law which lays down new steps of formal integration. According to Wallace, "In some respects European law has acquired quasi-constitutional elements with a surprisingly firm foundation of shared jurisdiction" (Wallace, 1996, p. 6). This observation is shared by Kapteyn *et al.*, who refer to the Maastricht Treaty as a treaty that contains the contours of a constitution. The objectives for the European Union reflect the progressive path followed in the past, which should lead to "an ever closer union among the peoples of Europe"<sup>79</sup> (Kapteyn, 1995, pp. 33-40). In the formal set-up of the European Union there is an explicit emphasis on promoting the development of the *aquis communautaire*, which is the complex of Treaty, secondary legislation and jurisprudence. European legislation thus has a formal mechanism in itself that contributes to the process of integration. Progressive interpretations of European legislation by the European Court of Justice in favour of integration are considered an important factor in stretching the scope of legislation, as well as the growing involvement of the European Parliament in the legislative procedures.

There is a large corpus of knowledge on European legislation and theory of European law. The debate in law studies concentrates on the legal peculiarities of

European law, such as the use and interpretation of principles from international law or various sources of national law. European law forms a legal order which is formally a form of international law, but with more far-reaching relevance to the legal system of nation states as, according to Kapteyn *et al.*, “From a viewpoint of its content, Community law is a common internal law in the Member States” (Kapteyn *et al.*, 1998, p. 77). There is a strong formal hierarchy in European legislation with the texts of the Treaty (or Treaties) as its basis (Kapteyn *et al.*, 1998, pp. 109-111). In our analysis of the European policies in the first chapter of this book, we have traced links between the various regulations, directives and decisions within the relevant European policies in a similar way to the objectives that are laid down in the Treaty. This analysis reveals the strong formal link between emerging European policy-making and the creation of the internal market as the central thrust of the Community pillar of the European Union.

The various theoretical perspectives on European integration provide openings for analysing emerging European spatial policy-making. The identification of spatial development issues that are addressed at the European tier can be analysed from a neo-functional perspective. This means that we need to stay focused on the link which sees spatial policy-making as an adequate way of working that suits the formal institutional framework and helps realise the objectives of European integration, such as the single European market. Yet, from the perspective of political integration, emerging European spatial policy seems less viable, because there appears to be little intergovernmental or inter-institutional bargaining underlying the incorporation of spatial development issues in European policies. As these are apparently not ‘high-politics’ issues, we need to focus on the processes of day-to-day policy-making. Various European institutions and representatives from member state governments participate in these day-to-day policy processes and decision-making. This means that emerging European spatial policy-making consists of informal policy processes. Emerging European spatial policy-making reflects the dynamics of European integration as a process of “modernization and integration that go together” consisting of processes of formal and informal integration (Wallace, 1990, p. 54). Informal processes of policy-making take place in a context of the formal institutional framework of various European policy domains and contributes to its development.

#### *European integration in a governance perspective*

A perspective on the link between formal and informal policy processes resembles a neo-institutionalist approach to, in this case, European integration. The revaluation of institutional theory in political science consists of a variety of approaches that can be labelled as ‘new institutionalism’ (Peters, 1999, after March and Olson, 1984, 1989). From the field of sociological institutionalism, the focus on institutional change is relevant for understanding emerging European spatial policy-making in the context of European integration. Extension of an institution is seen in this perspective in relation to stronger “commitments to prevailing cognitive ‘frames’ of the institution” (Peters, 1999, p. 108). From the field of international institutionalism

we can learn that: “Organisations such as the EU ... function as effective governments for at least some aspects of the lives of their member states” (Peters, 1999, pp. 126). The variety in set up of international institutions, or regimes as they can be called, is often related to specific professional standards, values, and ideas that prevail in certain policy areas. In European policies this can be recognised in different set up of the various policy sectors. What is most relevant here is that the basic notion of new institutionalism is that “institutions – their values, their rules, their incentives, or the pattern of interactions of individuals within them – explain the decisions that governments make” (Peters, 1999, p. 150). The emergence of new forms of European policy-making needs to be analysed in a perspective of change of formal institutions and the peculiarities of international institutions, but also needs to incorporate the role of private parties in formal and informal policy processes that lead to decision-making for collective action. When we apply this ‘governance’-perspective on the process of European integration, we can define governance as new forms of policy-making in which public parties, private parties, social organisations and individuals operate jointly to identify and address certain issues that are established in both formal and informal policy processes.

We can consider European spatial policy-making as a new field of action in European policies in a similar perspective in which, according to Wallace, we can observe that patterns of interaction in informal integration include governmental involvement alongside those of other actors in growing “networks of interaction” (Wallace, 1990, p. 54). Spatial policy-making as a new field of action in European policies can be seen as the result of a process of informal integration that consists of “those intense patterns of interaction which develop without the intervention of deliberate governmental decisions, following the dynamics of the markets, technology, communication networks and social exchange, or the influence of religious, social or political movements. Informal integration is thus a matter of flows and exchanges, of the gradual process in which sharp discontinuities are rare” (Wallace, 1990, p. 54). What we are looking at is European spatial policy-making as a new form of European governance.

A governance approach to policy-making and institutional change generally implies a development in which society becomes less state-oriented and in which the formal institutions of government need to develop new ways of working with other actors in society, which lead to intensified patterns of interaction and interconnection between states and societies (Held, 1995, p. 21; Healey, 1997, pp. 200-204; van Tatenhove *et al*, 2000, p. 35). Governance mostly refers to new methods of policy-making which involve participation by a variety of public and private actors and exist alongside the traditional formal institutional (national) policy systems. Changes in politics and policy-making in this governance perspective are understood in a larger and more general trend in which changes in the constellation of ‘state’, ‘civil society’ and ‘market’ are considered the main driver.

In studies on institutionalisation and changes to environmental policy in particular, this leads to a characteristic way in which the institutions of the state position themselves in their interactions with others players in society with a high

degree of reflexiveness, self-confrontation and self-transformation (van Tatenhove *et al.*, 2000). The result is that new policy arrangements emerge in policy domains, such as environmental policy, which link “long-term processes of political change with specific processes of policy-making” and which are a “temporary stabilisation of the organisation and substance of a policy domain at a specific level of policy-making” (van Tatenhove *et al.*, 2000, pp. 53-55). Peters and Pierre observe similar changes with a development “from a ‘command and control’ type of state towards an ‘enabling’ state, a model in which the state is not proactively governing society but is more concerned with defining objectives and mustering resources from a wide variety of sources to pursue those goals” (Peters & Pierre, 2001, p. 131). In chapter 2 we looked at the spatial policy systems of some of the EU member states in the light of emerging European spatial policy-making. Interestingly, we observed that European spatial development issues do not link up to the traditional national statutory planning systems, which do not seem to offer the only suitable platform for bringing about spatial developments.

These national statutory planning systems in Europe are in a state of change themselves, with differences in pace and priority. There are many accounts of a predominant trend away from hierarchical public-sector command and control policy-making towards changeable, maybe even experimental and incidental settings for decision-making on spatial development (Mastop, 1989; Healey, 1997; Healey, 1997; CEC, 1997; Alterman, 2001). The result is that European spatial development issues are identified and addressed in a variety of settings involving various public parties. For example, the issue of the structural improvement of regions is being addressed by the creation of regional partnerships in which representatives from national government link up with various regional authorities, regional and local organisations, private developers and local planners. Also, the aim to create large infrastructural networks is predominantly shared by representatives from the transport ministries of the member states. But in their meetings, they are confronted with priorities for speeding up investments in infrastructure that exceed their national budgetary priorities; this makes them search for possibilities to involve private partners. Regardless of whether or not the more supra-national policies are concerned, as in the European regional structural funding, or intergovernmental policies, as in the trans-European networks, representatives of European institutions participate jointly in policy process with representatives of nation-state institutions, social organisations and private parties.

The various settings in which European policies are interlinked with national policy systems are defined here as policy arenas around European spatial development issues. These policy arenas vary in terms of the actors involved and their joint approaches towards spatial development issues. Policy arenas around European spatial development issues reflect new roles of traditional institutions of government, non- governmental organisations, private parties and others that are engaged in identifying and addressing European spatial development issues. We thus regard these policy arenas in which European spatial development issues are identified and addressed as a form of governance that is established in the context of

progressing European integration, just as the European integration process itself is an expression of a larger process of change in the relationship between state, civil society or any entity that influences the dynamics of society, such as, indeed, the market, or family relations, or physical processes.

In emerging European spatial policy-making this is particularly reflected in nation-state institutions that are involved in policy processes with supra-national institutions and private actors, and locally or internationally operating social organisations and pressure groups. On the basis of an analysis of policy processes evolving around the use of the structural funds in the European regional policy, Marks suggests that this leads to a different type of governance, namely multi-level governance in which “supranational, national, regional, and local governments are enmeshed in territorially overarching policy networks” (Marks, 1993, p. 402). Since then, the concept of multi-level governance has been applied to many other fields of European policies, as well as within nation state contexts, and has accordingly been defined in many ways. Reviews of this new notion by Peters and Pierre and by Jachtenfuchs show that multi-level governance is defined in terms of “relationships between governance processes at different levels”, “vertical layering of governance processes”, “institutional relations that take place directly between transnational and regional levels bypassing the state level”, and “intermingling of European and domestic affairs” (Peters, 2001, p. 133; Jachtenfuchs, 2001, p. 256). One of the most difficult problems when defining multi-level governance is how to characterise the relationship between the parties from the various government tiers which participate in policy processes. Marks defines this initially on the basis of the policy process around the allocation of the European structural funds as “continuous negotiation among nested governments at several tiers ... as a result of a broad process of institutional creation and decisional allocation” (Marks, 1993, p. 392). The essence of multi-level governance seems to be that instead of phases in the policy process and decision-making in which each party contributes according to well-defined competences, there is a joint policy process and joint decision-making in which representatives from various tiers of government jointly determine the scope, course and outcome, possibly together with other parties.

In his critical commentary on the concept of multi-level governance within European integration, Jachtenfuchs claims that there is a lack of solid microanalysis on the concrete workings of policy-making in the European Union and studies “covering more than one policy and including more than two member states are extremely rare” (Jachtenfuchs, 2001, pp. 258-259). Jordan too calls for “a great deal more case-study testing” (Jordan, 2001, p. 204). The policy arenas around European spatial development issues on which this research focuses might be regarded as an example of European multi-level governance which can only be understood by analysing day-to-day policy processes and decision-making on European spatial development issues in various policy domains and several member states. Although this research does not attempt to test the concept of multi-level governance, it does endeavour to analyse the phenomenon of new European policies and policy processes in their own right whilst considering them as possible drivers for the

process of European integration. In that sense, emerging European spatial policy-making is considered as a driver for European integration which helps us to discover the locus of European integration by identifying its spatial dimension as well as finding new ways to deal with these new European spatial development issues.

The spatial dimension of European integration is identified and addressed in the complex interplay between European policies and member states' policies, in which various other parties are also involved. The emergence of European spatial policy-making not only concerns the incorporation of spatial aspects of European integration in European policies and consequently in the spatial policies of member states, it also concerns durable links which are created between European policies and national, regional or local decision-making and the activities of private parties in actual policy processes on spatial developments. These durable links are defined here as policy arenas that are established in actual policy processes around European spatial development issues and which represent new forms of governance that facilitate the process of European integration. In order to understand the establishment of such policy arenas, we shall turn to planning theory to elaborate further on the role of planning in identifying and addressing the spatial dimension of European integration.

### **3.3 European spatial policy-making in view of planning theory**

European spatial policy-making takes place in policy arenas in which various European and national actors participate. Apparently, the statutory planning systems do not suit the needs of spatial policy-making in the context of European integration. To derive an insight into emerging European spatial policy-making we need to understand how spatial aspects of European integration are identified and addressed in European policy processes and decision-making. To get a clear idea of the focus on spatial aspects, we need to understand something of planning.

The term 'planning' is used here to define the various methods of strategic spatial policy-making which have been developed in decades of spatial policy practice. Planning theory has developed in close connection with spatial policy practice in the context of national statutory planning systems. However, there is a range of sources that can provide inspiration for understanding spatial policy-making as a form of European governance, as renewal and change are observed in spatial planning practice as part of a general process of renewal and change of governance, in particular at the local and regional tier of government. The revival of strategic regional planning in cases of urban and regional economic development takes place outside the traditional framework, forcing the traditional players into new roles in new arenas. Typical examples are representatives from the business sector and environmental groups who are "drawn into a more active role in policy formation, usually in non-public arenas" (Healey, 1997, p. 162). Studies on national strategic planning reveal challenges in the changing relationship between national authorities, organisations in previously corporatist society, companies and citizens

(WRR, 1998; ARL, 1993; ARL, 1994). In this varied planning theory, we shall look for some general planning principles in order to understand spatial policy-making outside the context of traditional national statutory planning systems.

*The role of planning in statutory planning systems*

Spatial policy is the domain of public policies which seek to direct spatial developments. Spatial developments refer to a broad range of changes in the spatial pattern, which follow from various social and physical processes. In European countries spatial policy is formally institutionalised in statutory planning systems, albeit in many different ways (CEC, 1997; Healey, 1997; Alterman, 2001). These statutory planning systems consist of a regime for regulating land use on the basis of zoning in local plans. The regulatory regime for land-use planning is combined with some form of urban, regional or national strategic planning. The traditional hierarchical statutory planning system of European countries is particularly geared to anticipating future developments, i.e. to arranging “the future distribution of activities” in a certain area or territory (CEC, 1997, p. 24). On this slightly prophetic basis, statutory planning was thought to be capable of forming a pivot for coordinating or integrating all decision-making on spatial developments.

In planning theory there is a strong belief in the capabilities of comprehensive planning approaches. Faludi's observations of the Dutch statutory planning system have led him to develop the notion of the ‘planning doctrine’, which he sees as “a body of thought concerning (a) spatial arrangements within an area; (b) the development of the area; (c) the way both are to be handled. Examples of ideas under a and b are planning concepts, ... Planning principles under (c) concern the preparation of plans, their form, uses and/or effects” (Faludi and van der Valk, 1994, p. 18). The concept of the planning doctrine stresses a lasting consensus on spatial concepts and planning principles in policy processes, which are ideally embedded in the traditional statutory planning system. Within the perspective of the planning doctrine concept, changing practices of spatial policy-making are even considered to be just as powerful as the scientific paradigm shift defined by Kuhn (Kuhn, 1962). The process of European integration can simply be seen in terms of changes in the spatial development pattern which form a new challenge to which national perspectives and statutory planning in the context of nation-state need to adapt (WRR, 1998). But instead of new planning doctrine(s) we observe that new forms of European governance are emerging in a variety of policy arenas around spatial development issues that co-exist with national statutory planning systems.

The concept of the planning doctrine relates to a consistency within discussion, decision-making processes and interventions for spatial developments that are arranged by statutory planning for a range of social aims and needs. The statutory planning system is intended as the pivot of decision-making on spatial developments. “Spatial planning embraces measures to co-ordinate the spatial impacts of other sectoral policies...” (CEC, 1997, p. 24). Formal plans provide for a system for zoning and regulating current and future land use. But spatial developments are often invoked by other policies on, for example, housing, urban

development, transport and infrastructural development, regional and economic development, the environment, and agriculture and rural areas. Such formal planned approaches to spatial development are closely connected to the ideals of modernity. Spatial planning is seen as one of the planning mechanisms for a wider social development (Kreukels, 1980, pp. 9-17; Healey, 1997, pp. 7-30). The importance of traditional statutory spatial planning is diminishing due to the fragmentation in the public domain and the increasing direct involvement of social organisations and the private sector in bringing about spatial developments (Lukassen, 1999, pp. 20-22). The process of European integration merely adds to this fragmentation. Statutory planning is no longer the sole mechanism for integrating various social developments that have a spatial impact, including the increasingly relevant European policies.

As traditional statutory planning occupies a less central position in contemporary society and the decision-making on spatial developments, the processes of planning and spatial policy-making also need be looked at from a perspective that is less closely connected to its 'rule and order'-mechanisms (Faludi and van der Valk, 1994). In European spatial policy-making we observe that spatial developments are policy processes addressed in a variety of policy arenas. This implies that we need to dissociate ourselves from a planning-centred view. What can be learned from planning theory is its focus on the spatial dimension of social processes.

The premise for spatial policy-making remains the link between the structure of society and physical processes. In the system-functional and system-cybernetic tradition, sophisticated models for statutory planning systems have been developed which represent the connection between the political, cultural and economical subsystems in society to physical space (Kreukels, 1980). A very comprehensive analytical model on the role of spatial planning in society in this respect is developed by Kleefmann, later developed further by Hetsen and Hidding (Kleefmann, 1985; Hetsen & Hidding, 1991). This model depicts the linkages between social processes and the physical world meticulously and sees planning as means to regulate interfering physical and social subsystems within the 'social-physical order'. As in the case of the planning doctrine concept, the problems with such comprehensive models arise from the fact that the 'social-physical order' is seen as the achievement of planning efforts within one political 'subsystem'. We discern that the dynamics of society and spatial developments related to it, take place in much more varied, or even fragmented, settings. This means that the political 'subsystem' is neither easy identifiable, nor necessarily the pivot of decision-making on change. Yet, the value of these elaborate system-functional models is in their emphasis on the complexity of physical aspects in relation to structural social change. What we can learn from this is that we need to look into the role of planning in terms of the identification of physical aspects that are related to the needs and desires for social change.

Spatial development issues that are relevant to European integration are part of a wider scope of general social preferences, especially in relation to the creation of the single European market and political goals. In other words, spatial development issues that are addressed in policy processes are issues in which specific social-



spatial and physical-spatial links form the core of general social preferences. Policy arenas around European spatial development issues are based on interlinking the economic, political and cultural realm in actual policy processes in which decisions are made on interventions in the physical world. The difference with views in statutory planning serves the need to integrate these realms in what is considered to be the driving force of change, and thus ways of arranging such changes. Instead of concentrating on the regulation of subsystems through planning, we shall focus on actual interactions and exchanges in policy processes in which interventions in physical processes are agreed.

*The role of planning in bringing about spatial developments*

The identification of spatial development issues, in the end, is part of the processes in the social world only. In this respect, there is a very basic distinction between private and public space in which all interactions of society are located. Glastra van Loon points out the contrast in the perception of private space and public space as a cultural phenomenon of modern society. This is not the physically divided space between home and the rest of the world, but a formally and legally created separation of the secluded freedom for individual development and the opportunity to participate in social interaction (Glastra van Loon, 1994, pp. 1-4). Physical factors or processes are important insofar as their connection to preferred transformations is perceived in exchanges in the social world. In this respect, we need to see spatial development issues as an expression of social preferences and notions derived from interactions between participants.

In spatial policy systems, statutory planning fulfils the role of expressing social preferences concerning spatial developments and necessary interventions in the social-spatial or physical-spatial processes. Similar to Teisman's reference to 'transformations' (Teisman, 1997), we are concerned here with the expression of social preferences in decision-making processes which have implications for the quality of the physical world. Transformations are a product of society. This may also include transformations that do not produce actual physical-spatial changes, such as decisions *not* to interfere in the physical-spatial order. In such cases, e.g. with a view to nature protection, it are mostly transformations of *social* processes that are necessary to avert spatial developments that could affect nature negatively.

According to Glastra van Loon, the science-driven separation of expertise that is typical of approaches to system-functional planning has shaped government institutions that have led to the fragmentation of public space and is therefore a threat to legitimate governance. As this disturbs the proper functioning of public space, it forms the driving force for finding new forms of governance. The argument is that the organisation of public space requires the exchange of various forms of expertise, such as practical knowledge and individual experience of private space (Glastra van Loon, 1994). In short: an open and varied dialogue between a variety of actors. In our attempts to understand emerging European spatial policy-making as a form of governance, we shall abstain from dividing the social world into subsystems in which spatial planning serves as co-ordination mechanisms that are needed in

order to prevent functional disorder. Instead of defining subsystems in society, we shall focus on a variety of actors who participate in policy processes and joint decision-making as a social process.

Though the diverse actors who participate in policy processes are all individually embedded in their own social context and have perceptions based on their own notions and ideas, they are capable of interacting with others and exchanging opinions on how to tackle the problem at stake. What drives actors to participate in policy arenas which are established in durable joint policy-making efforts is that these policy arenas consist of “various actors (individuals, coalitions, bureaus, organisations) none of which possesses the power to determine the strategies of the other actors” (Kickert, 1997, p. 9). Planning that fulfils a role in these processes is not a regulatory mechanism, but helps to focus interactions on the spatial aspects of the issue at stake.

Decision-making processes on spatial development issues consist of a complex of interactions between various groups of participating actors in which exchanges are made: “Policy processes are not viewed as the implementation of ex-ante formulated goals, but as an interaction process in which actors exchange information about preferences and means, and trade off goals and resources” (Kickert, 1997, p. 9).

Planning is primarily about achieving spatial developments, but as part of a broader social issue that needs to be resolved. The term ‘planning’ is used here in a broad sense to cover all forms of strategic spatial policy-making – regardless of whether or not they are part of a statutory planning system – that contribute to focusing on the spatial aspects of an issue and, in the end, to decision-making on collective action. Planning identifies the spatial aspects of an issue at stake and brings them to the centre of policy-making, making spatial deliberation the crux of decision-making processes. Planning brings in the locus or ‘place’ of these issues by referring to the location of social developments and by helping actors to produce a socially constructed image of a territory (Healey, 1998; Healey, 1997). The locus of European integration is seen this way as the meaning that actors attach to the European territory, or parts of it, by identifying spatial aspects of an issue at stake in context of European policy-making.

The contribution of planning to the process of European integration is, therefore, that it illuminates the spatial dimension of this process. The word ‘locus’ literally means position or point. As a concept for grasping the spatial dimension of European integration, it can be linked to the notion of ‘place’, which is used in a more abstract sense in planning theory. But besides its territorial meaning, the concept of ‘locus’ refers to the other aspect of the embedment of European integration, namely, the dynamic institutional environment that is needed for the process of European integration. This institutional environment is built up of a variety of policy systems for various policy domains, linking national policy systems with the European tier policy system. This brings us back to the definition of European policies in the previous section as a form of governance in which the characteristic radius of action that stretches over various government tiers can be defined as multi-level governance (Marks, 1993; Marks, 1996; Jeffrey, 1997;

Jachtenfuchs, 2000; Jordan, 2001). Hence, the process of European integration itself also has its 'place', notably in intertwining national and European policy systems and decision-making processes. The concept of 'locus' thus refers to the policy-making processes in which European integration takes place, and in which the spatial dimension, as a socially constructed meaning of the location of European integration, is produced. Below, we shall elaborate further on how planning contributes to this other element of the concept of 'locus' in European integration, namely to European governance.

### 3.4 Virtues of planning for European governance

Planning is deployed in a variety of policy processes and decision-making processes that, in the end, lead to transformations in the real world. Planning helps the actors involved to create a shared understanding of the spatial aspects of the social issue at stake. Whereas all actors aim to influence the decision-making process, their contribution in day-to-day policy processes is often more operational rather than based on well-thought through strategies. The competence of actors to deal with social issues or problems stems from their own ideas, routines, working methods and instruments, which enable them to contribute to decision-making processes. In this mixture of resources, one or more planning mechanisms are employed to find common ground for the actors to develop a shared understanding for practical decision-making and collective action.

#### *Planning contributes to capacity-building*

Planning is understood here in terms of its contribution to bringing about agreement between the stakeholders in an issue by means of developing a common concept for action and an ability to act collectively for certain spatial developments. Strategic spatial planning is a form of 'institution building' or 'capacity building' (Mastop, 2000; Healey, 1997). Planning contributes to capacity building in two ways: it helps to build 'cognitive capacity' and 'institutional capacity'. Cognitive capacity enables actors to identify and address spatial aspects of European policy issues in strategic policy-making. Planning is part of the "discursive practices" which help "people learn about each other, about different points of view and come to reflect their point of view" (Healey, 1997, p. 33). Planning thus builds up a "store of mutual understanding", which is a sort of "social and intellectual capital" (Innes, 1994 in Healey, 1997, p. 33). By using cognitive capacity to reach a common understanding of the issue at stake through focusing on spatial aspects, planning lays a basis "which can be drawn upon when dealing with subsequent issues" and helps to build up 'an institutional capacity to collaborate and to co-ordinate' in which spatial developments can be collectively addressed" (Healey, 1997, p. 33). According to Healey, three dimensions can be distinguished for this institutional capacity: knowledge resources, relational resources, and the capacity for mobilisation (Healey, 1998, p. 1541). Institutional capacity can be understood as the ability of various

actors to contribute consistently to policy processes with a view to a common will and collective action. It refers to the ability of actors to get involved in decision-making processes and to develop working methods and shared rules on how to deal with each other and the issues at hand. Planning helps to address societal issues by making spatial deliberations the crux of the decision-making processes in which spatial developments are ultimately realised.

In the context of European policies, planning is more than merely instrumental as it places spatial aspects at the core of policy processes and decision-making on spatial developments. For new forms of governance with more participation by public actors, Healey expresses the view that planning can help find new directions: "Other ways ..., drawing on principles of conflict modification and consensus building" (Healey, 1997, p. 33). Likewise, we are looking at how planning contributes to bringing about a common will with a view to spatial developments which are apparently relevant to European integration.

The role of planning goes beyond facilitating ongoing interactions, as stressed by Healey when discussing the nature of exchanges in these interactions: "...through such consensus-building practices, organising ideas can be developed and shared which have the capacity to endure, to co-ordinate actions by different agents, and to transform ways of organising and ways of knowing in significant ways..." (Healey, 1997, pp. 29-30). The process of European integration requires new forms of policy-making in the complex context of European policies and national policy systems and statutory planning systems. Within this complexity, policy arenas are emerging around European spatial development issues. These policy arenas are an expression of new forms of governance for European policy-making. They are an expression of the capacity which the various actors need to develop jointly in order to deal with issues in the context of European integration. Drawing on planning theory, it can be added that this capacity building "emphasises not merely forging new links and interlinking previously separate networks, between public and private sectors, and between different policy networks, it also involves developing new discourses with which to focus strategy development" (Healey, 1997, pp 170). This means that planning contributes to capacity-building for European governance. The virtues of planning as a driver for capacity-building for European governance are revealed in policy arenas around European spatial development issues.

In traditional statutory planning systems, various planning approaches or planning mechanisms are embedded in a proper institutional setting. If we isolate these planning mechanisms from their specific institutional context for regulating land use and decision-making procedures, we can distinguish the underlying virtues of planning. The virtues of planning are a complete repertoire of ways in which spatial aspects are identified and addressed in strategic policy processes, which form the basis for spatial deliberation at the core of decision-making processes.

#### *Basic planning mechanisms for strategic spatial policy-making*

Planning consists of a repertoire of ways in which spatial aspects are identified and addressed in policy processes and in decision-making. This repertoire is sustained

by skilled professional planners working in spatial policy-making, as well as the range of instruments in spatial policy systems. We will distinguish four basic planning mechanisms that represent this repertoire: appealing spatial concepts, the knowledgeability of spatial developments, the mediation of differing social preferences in negotiations on spatial development, and the basis of trust that is created in a community with a shared spatial perspective. These four basic planning mechanisms as defined below are derived from planning theory, but obviously are also distinguished with a view to the diversity of European spatial policy-making.

In planning practice there is a persistent belief in the central role of the plan, as a conceptualisation of a future spatial pattern laid down in a document or a map, as the main co-ordinating and integrative policy instrument. The perspective on the role of plans and spatial concepts, which we will distinguish as the first planning mechanism, is refined with the rich body of literature has developed in planning theory that unravels the communicative function of planning in the context of a changing society and governance (Fischer, 1993; Healey, 1997). An argumentative and communicative 'turn' is observed which emphasises the contribution of the conceptualisation of spatial development to actual decision-making in a persuasive manner. An appealing spatial concept predominantly serves communicative mechanisms within policy implementation and relies strongly on its cognitive capacity: "It contributes to a shared knowledge base and offers generalisations of a reality, with which the actors that participate in policy processes can identify themselves" (Klijn, 1996, p. 65). In these communicative planning approaches, the function of 'naming and framing' issues by means of spatial concepts is a focal point in the elaboration of policies, in which such concepts are often covered in both maps and policy documents and use strong metaphors. A spatial concept is "a concise formulation and conceptualisation, possibly with maps of preferred spatial developments and necessary interventions" (Zonneveld, 1991). The appealing quality of a spatial concept needs to be seen in the light of its ability to broach differing sets of social preferences in a conceptualisation of spatial developments. An appealing spatial concept offers a notion of spatial development that mobilises actors by "encouraging ways of thinking and ways of acting which generate an enduring capacity to discuss the qualities of places and to address the evident reality of conflicts of interest in non-combinative ways" (Healey, 1998, p. 1541). Various actors, all with their own perspective on an issue, are encouraged to interact and focus their exchanges on the spatial aspects of an issue in a way that helps to place it in a new, European perspective.

Most spatial concepts will also reflect the cognitive function of a spatial plan that is closely connected to the communicative function of planning. This brings us to a second planning mechanism of knowledgeability of spatial developments; in other words the role of spatial concepts in providing knowledge, information and data (Zonneveld, 1991; Healey, 1997). The classic methods of drawing up spatial plans provide explicitly for the collection of the knowledge and information considered necessary for plan-implementation. Also, the selection of knowledge and data on

elements and processes of the social order and the physical order emphasises certain social preferences on spatial developments. The knowledge function of spatial plans is a distinctively separate aspect that determines the dynamics of spatial policy-making. In the complexity that is characteristic of spatial policy-making, there is an apparent need for information or particular data on spatial development patterns. This may turn out to be crucial for policy processes and decision-making. Dealing with complex social problems draws on the resources of knowledge and information that various actors have at their disposal. In exchanges these resources are focused by developing common definitions of the issues at stake in a spatial development question. The creation of a common knowledge base allows the actors involved to identify and solve spatial development issues.

Besides focusing on the role of shared spatial concepts, contemporary theories on planning emphasise interaction or collaboration between parties with fundamentally different perceptions of how to develop a neighbourhood, city or region. Plans and planners are accredited with the ability to fulfil a bridging role. Healey articulates this with a keen interest in regionally and locally situated issues: "Planning approaches, with their emphasis on knowledgeability, on interrelationships between activities in places, and on the relation between short- and long-term actions and effects, have much to offer collaborative governance" (Healey, 1997, pp. 243-244). Apart from appealing and knowledge-based spatial conceptualisations, the third and fourth planning mechanism we can distinguish are found in the ways for mediating various perspectives in situations of negotiation and in the trust in locally shared perspectives on spatial development.

The planning mechanism of creating situations of negotiation refers to the notion of 'negotiated development' as explained by Healey *et al.* Using evidence from local planning, they show how a project-led approach has lead to what they call a 'practice of negotiations' between planning authorities and private developers. This negotiated development is a process of conflict mediation in which the local development plan no longer is "the key source of policies, policy arguments and criteria upon which to base regulatory decisions..." (Healey, 1995, p. 242). Through the pursuit of planning agreements, planning authorities seek to secure some community interest that goes beyond a simple barter for planning permits. At the heart of this development is the acknowledgement that there is "a wide array of interests at stake in a particular issue" (Healey, 1995, p. 243). Healey *et al.* observe that a "procedural and legalistic discourse can be built up from local planners' experience" (Healey, 1995, p. 243). Mediation between various actors can be promoted by procedural requirements concerning e.g. the actors that need to be involved in decision-making, but in any way means leaving ample discretionary powers to the actors to reach agreement on the issue at stake. Such mediation can be enforced through a legislative framework, but seems particularly valuable for understanding how funding mechanisms create situations of negotiations between various actors.

A strong local planning practice is also suggested as a way of creating links between the various actors from the government, the private sector and

communities. When Healey *et al.* observe that a “procedural and legalistic discourse” is an ‘insufficient protection of policies against developers’ challenges”, they refer to a normative point of view long held by many planners (Healey, 1995, p. 243). This normative view emphasises planning as a safeguard for weakly represented social interests and as an indispensable legitimisation of public policy-making. In the context of European integration, specific local or regional perspectives can easily be disregarded in the larger European perspective. Conversely, local capacity to deal with spatial development issues which are rooted in the peculiarities of an area or a region or community can also contribute to addressing issues that are initially identified outside this local situation, e.g. European spatial development issues. This brings us to the fourth planning mechanism we can distinguish, which refers to the trust that is put in a locally vested policy arena, based on a shared spatial perspective that provides locally developed ways for dealing with development issues. The linkage of European aims to local preferences calls upon the local planning approach to incorporate a European dimension in local spatial development issues and signifies local ways of dealing with spatial development issues.

These planning mechanisms enable various actors, all with their own views and perceptions of an issue, to engage jointly in interactions and exchanges on an issue. Likewise, we can understand how European spatial development issues are identified and addressed, which brings the deliberation over spatial aspects of European integration to the core of policy processes and decision-making. With these four different basic planning mechanisms, we can understand the various ways in which planning contributes to the constitution of policy arenas around European spatial development issues (see Box 3.1). These four basic planning mechanisms are by no means a complete classification of the ways in which planning works. They refer primarily to planning at a level of strategic policy-making that is considered relevant in the context of understanding emerging European spatial policy-making. Other planning mechanisms can undoubtedly be identified, e.g. on a more operational level where planning in relation to land-use regulation can be characterised as a mechanism for the integration and co-ordination of various

#### **Basic planning mechanisms contribute to constitution of policy arenas**

Conceptualisation	Appealing spatial concepts offer a perspective on the spatial development pattern in the context of European integration
Knowledgeability	A common knowledge base of basic definitions and data that allows people to identify, understand and interpret the spatial development pattern in the context of European integration
Mediation	Creating situations for negotiating spatial development that allow differing spatial perceptions to be dealt with in the context of European integration
Trust	Existing, locally vested spatial perspective allows interpretation in the context of European integration as a basis for joint efforts

**Box 3.1** - *Virtues of planning for European governance*

policy domains. Another planning mechanism that might be defined for understanding emerging European spatial policy-making is a mechanism of building a policy community or a planning community. Such a planning mechanism is not defined or taken into account here, as we have ruled out the efforts to draw up the ESDP or cross-border and transnational planning experiences in the various Interreg programmes for further analysis in the context of this research, because of the absence of links to actual policy processes. But it could be relevant in the future for understanding emerging European spatial policy-making. Finally, we can add that the distinction made between these planning mechanisms is obviously an analytical distinction as, in the practice of actual policy processes, several planning mechanisms might be found in combination.

#### *The contribution of planning to European governance*

The emerging European spatial policy-making can be found in a variety of policy arenas around European spatial development issues. Earlier, we introduced the concept of the locus of European integration for understanding the emergence of spatial policy-making as an example of the progressing process of European integration. This concept of the locus of European integration refers to the spatial dimension of European integration as well as to the policy-making processes in which European integration takes place. In the remainder of this chapter we shall elaborate on how we can understand the contribution of planning more fundamentally in the context of the process of European integration. Above, we suggested that planning plays a role in the establishment of the policy arenas, which we depicted as an example of new forms of European governance. We shall argue below that, in the end, we need to look at how planning contributes to effective European policy-making.

The rationality theorem plays a central role in planning theory and policy evaluation research. After years of evaluation research in traditional statutory planning systems, Mastop cogently suggests, but instantly firmly dismisses, that “one could simply conclude that plans and interventions in the real world are basically two separate and only very loosely interlinked circuits, each having its own rationale and each governed by specific procedures, actors, motives and so on” (Mastop, 1997, p. 809). This leads to mismatches of intentions and implementation that Mastop and Needham seek to avoid (Mastop, 1997). Statutory planning is seen in the light of these mismatches: “planning is meant to affect the measures which directly intervene in the physical environment and that those interventions will be more effective if they have been subject to prior deliberation” (Mastop, 1987; Mastop, 1997, p. 881). Planning serves as an investment for future decision-making situations.

According to Zonneveld and Faludi, the progress of some sections of European policies towards an intergovernmental field of spatial policy means that national spatial strategies in a European perspective need to be congruent or “isomorphic”: “voor het ontwikkelen van nationale ruimtelijke strategieën in Europees perspectief moet juist wel sprake zijn van een soort isomorfie tussen het Europees ruimtelijk



ontwikkelingsbeleid en dat van de afzonderlijke lidstaten” (Zonneveld, 1998, p. 38). But European spatial policy-making is not emerging as a comprehensive spatial planning similar to traditional statutory planning which, through its conceptual and knowledge-based content, contributes to a shared understanding of spatial development. But instead of a coherent European spatial perspective, there are several planning mechanisms that contribute to the establishment of a variety of policy arenas around European spatial development issues.

There is no specific plan or coherent spatial perspective in the context of a European regulatory framework that addresses national statutory planning. Thus, we cannot assess its effects on emerging European spatial policy in terms of the extent to which its deliberations are applied in actual decision-making, either with regard to the conformity of national decision-making to specific European policy aims or plans, or the performance of such a policy in actual decision-making processes. Instead, we have defined planning broadly as mechanisms that take spatial aspects to the core of decision-making processes and which contribute in various ways to creating links between actors from various government tiers and public and private backgrounds. Planning mechanisms are employed for developing methods to deal with issues by focusing on their spatial aspects in the context of European integration.

In order to understand the role of planning in capacity-building for European policy-making that is reflected in the constitution of policy arenas, we shall turn to other approaches. Martens shows how a pluri-centric perspective on policy-making means that decisions can be assessed as ‘good’ or ‘just’ in many ways, and that procedural and substantial elements should be understood from different perspectives, each with its own rationale (Martens, 1999, pp. 330-332). The different perceptions that various actors have of the central issue around which a policy arena is shaped are vital. With a view to bringing about ongoing interaction, Kickert *et al* acknowledge the need to focus management on the perceptions of the relevant actors: “...we have stated here that the management of perceptions is not about creating consensus, and that strategies should be directed towards furthering and not eliminating variation. Managing perceptions is about creating common ground for joint decision-making and action, while accepting and respecting the autonomous positions and preferences of the actors involved” (Kickert, 1997, p. 97). Likewise, we need to understand how planning contributes to European policy-making, by ‘managing perceptions’ based on the spatial dimension of European integration.

Policy arenas around European spatial development issues reflect new roles of traditional government institutions, civil society and others. By using planning, these parties are jointly able to redefine policy issues and develop new policy approaches. In this perspective, we assume that planning is able to contribute to European, multi-level governance. In other words, a successful contribution of planning to European governance can help create durable links between the European, national, regional and local tier for this joint policy-making and decision-making. The course of European spatial policy processes shall therefore not be

assessed in terms of the actual agreement on some form of preferred direction of spatial development, but in terms of the contribution of planning to ongoing interaction to deal with necessary social changes and desires in the context of European integration between the various parties from various tiers of government (Teisman, 1992). This latter part holds a difficulty, as for new forms of European policies there often are no pre-set competencies for the parties involved, various government tiers inclusive. The Treaty contains a formal principle that prescribes the vertical division of competencies in the set up of European policies in general, which can help understand how this European multi-level governance has become arranged in the way it has. This is the principle of subsidiarity<sup>80</sup> that has been applied in setting up various European policies since the early nineties (CEC, 1994a). As planning seems to contribute in policy practices to determining the scope of deliberations over an issue at the European tier vis à vis national, regional and local deliberations, we may need to turn to the principle of subsidiarity to gain a clearer understanding of this role of planning.

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80 Art. 2 of Title I TEU, referring to Art. 5 TEC (previously art. 3B TEU)

## Chapter 4

### Analysing European spatial policy-making

#### 4.1 Introduction

In the previous chapter, we explored ways of understanding the process of European integration and spatial policy-making as a new field of action in European policies. We characterised European integration as an ongoing process which is progressively leading to intensified co-operation between the EU member states. In this respect, the emergence of spatial policy-making can be seen as a new step towards European integration which – as has happened so often in the past such as with the environmental policy – precedes further formal institutional arrangements in the Treaty. We have also seen that this new field of European policy-making can be regarded as a new form of governance to which planning makes a particular contribution. In this chapter, we shall explore ways of analysing this emerging European spatial policy-making. We have characterised this research as a quest for the locus of European integration, because the aim is to gain insight into emerging European spatial policy-making through determining its contribution to European integration.

Below in section 4.2, we shall outline the aim and focus of this research. Drawing on policy network theory we shall argue for the application of policy arenas as the principal unit for further analysis. In the next section (4.3) we shall define the properties of policy arenas that we need to take into account when analysing emerging European spatial policy-making, drawing also on planning theory, social theory and political theory. In section 4.3, a research strategy is developed using some methodological principles for international research. Although several European Union member states are included in this research, we shall not embark on a cross-national comparison of spatial policy-making. Instead, the analysis will focus on the links between European policy-making and national, regional and local policy-making. In section 4.4 we shall use this research model to select the most suitable and illuminating case studies in order to comprehend the diversity in emerging European spatial policy. The selection of cases is based on the virtues of planning for European governance; it includes one case study on an appealing spatial concept, one on the knowledge aspects of spatial conceptualisation, one on procedures for negotiating spatial developments, and one on creating links to existing, locally vested spatial perspectives. The selected case studies will be drawn from one of the four member states included in this research.

4.2 European spatial policy-making as a research problem

This study analyses emerging European spatial policy-making in the context of the progressing process European integration. We have introduced the concept of the ‘locus’ of European integration to grasp two crucial elements of emerging European spatial policy-making. The first element is the identification of the spatial dimension of European integration and how it is addressed in policy processes. The second is the contribution that these policy efforts to deal with spatial development issues make to the process of European integration. The locus of European integration is explicit linkage in policy processes and decision-making of the economic, political and policy integration to its geographical space. Some of the issues that come up in the progress of European integration can be addressed by identifying their spatial aspects. Planning is used, in various ways, to identify these spatial aspects, by which issues are identified as European spatial development issues. In this process of identifying and addressing these European spatial development issues a setting is created, which we have defined as policy arenas, that are part of further progress of the process of European integration (see Figure 4.1).

Policy arenas are an empirical entity in which emerging European spatial policy-making is revealed. These policy arenas consist of durable links which are forged between the European policy domain, national policy domains and other social domains for bringing about spatial developments. The actors who participate in these policy arenas are individuals who represent all tiers of government in the member states, the various European Union institutions as well as social organisations and private parties. The various actors that participate in such a policy arena engage in patterns of interaction and exchange. Interaction covers all the encounters that normally take place in policy-making and decision-making, such as meetings and formal procedural steps, discussions and negotiations with public parties and other stakeholders, expert consultations, and informal contacts. The policy arena covers both the dynamics of these encounters as well as their formal institutional context.

In this study the policy arena shall be the principle ‘unit of analysis’ (Ostrom, 1986, Ragin, 1987). According to Ostrom, “an investigation of the key ‘working parts’ of action arenas” can be used to analyse complex institutional change

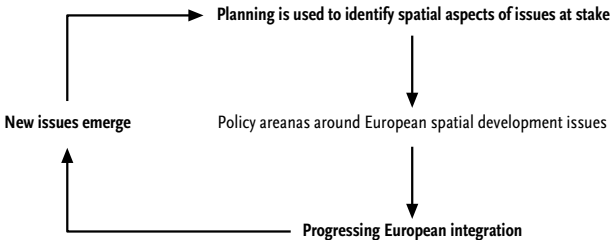


Figure 4.1 - Locus of European integration

(Ostrom, 1986, p. 473). Accordingly, we shall build a conceptual model of policy arenas in the next section that makes it possible to gain an understanding of “behaviour in diverse types of institutional arrangements”, which covers both an “action situation” and the “actors” (Ostrom, 1986, pp. 460-462). As an analytical tool, the concept of the policy arena covers policy-oriented actions, decision-making, and all the wheeling and dealing in the real world. Or in Crozier’s words: “the concrete system of action ... is an empirically verifiable concrete phenomenon and not an abstract system” (Crozier, 1980, p. 127 in: Teisman, 1992). Drawing on this policy-network approach for analysing the process of European integration, we shall emphasise practical day-to-day policy processes in which European integration progresses instead of e.g. other the formal institutional struggle of adapting the Treaty, expanding supra-national or community responsibilities, or drawing up regulations.

Policy arenas are established in actual policy processes in which planning mechanisms are employed to bring the spatial aspects of an issue to the centre of policy processes and decision-making. It is our contention that planning contributes to these policy processes as it helps in finding ways for European multi-level governance. The use of planning enables actors from various government tiers to become involved in policy processes and decision-making on issues at stake in the process of European integration. This brings us to the aim of our study of emerging European spatial policy-making, which is to gain insight in the contribution of planning to the progress of the process of European integration.

In order to investigate this role of planning, we need to analyse the variety of policy arenas around European spatial development issues that can be found in emerging European spatial policy-making. In the previous chapter, we were able to distinguish four basic planning mechanisms to define the virtues of planning for European policy-making. These four planning mechanisms are considered to constitute the principle variable in the research design. Consequently, we shall select four different cases in which the variety of policy arenas can be analysed with a view to the role of planning in the establishment of a policy arena around European spatial development issues. The questions that need to be answered in each of the case-studies concerns what the spatial dimension of European integration is and how bringing the focus on spatial aspects of the issue at stake is helpful to policy processes and decision-making on these issues. Three question are concerned here. The first question concerns the nature of the European spatial development issue. The second question concerns the constitution of the policy arena around this European spatial development issues, and how the use of planning makes it possible to bring spatial aspects of an issue to the centre of decision-making. In order to meet the aim of this study, which is to gain insight in the contribution of planning to the progress of the process of European integration, we need to ascertain in our analysis of these policy arenas why planning is used. The answer to this third question shall be looked for by reflecting on the outcome of the four cases with a view to the contribution of planning to progress in European integration. This will be done by examining the outcome of the cases in the light of two basic principles for European

policy-making: subsidiarity and proportionality. This will help us understand the contribution of planning to European multi-level governance. Below, the conceptual framework for analysis of the cases shall be elaborated and the selection of cases shall be made.

### 4.3 Policy arenas as unit of analysis and the role of planning

In order to define the concept of policy arena as the analytical unit for this research, we shall formulate some general assumptions on the constitution of policy arenas. If a policy arena is to deal with complex issues in the context of European integration, then presumably a need exists for the actors to link their own objectives or strategies to those of others. The first assumption is that planning works in the cognitive domain of the day-to-day policy processes of the various actors who all have different perspectives on the issue at stake.

In policy arenas various actors participate in interaction on European spatial development issues and apparently succeed in jointly finding a modus to deal with an issue despite different preferences. In the policy- network approach more fluid settings are distinguished in which decision-making or negotiation processes are organised. Van Tatenhove *et al.* suggest the emergence of 'policy arrangements' in environmental policy, which are more or less durable coalitions of actors from the state, civil society and the market, who have developed new ways of governance (van Tatenhove *et al.*, 1998). These policy arrangements are characterised by a high level of reflection and self-confrontation by the participants with regard to their own preferences and those of others, the formal and informal rules of their interaction, and the common understanding. In the concept of policy arena which is developed here, a durable constellation of actors is formed around a set of shared beliefs and agreements on ways of dealing with an issue. To further define the concept of policy arena as the analytical unit for this research, we can draw upon similar analytical concepts to help us comprehend the contribution of planning to this reflection which creates the shared perception of spatial aspects that ultimately leads to the establishment of policy arenas. These concepts all focus on exchanges of ideas that produces a common understanding between actors and the link with some form of common action, e.g. on spatial developments. In order to understand the role of planning, we need to grasp this link between the world of ideas and policy practice.

The first concept that can help us understand the connection between changing ideas and changing policy practice is the concept of 'advocacy coalitions'. This is a rather formal concept that is applied by Sabatier to institutionalised policy elites within formal policy systems whom he describes as "the set of actors who are involved in dealing with a policy problem (such as air pollution...)" (Sabatier, 1987, p. 659). In his view, the different actors involved in a policy programme "have relatively complex and internally consistent belief systems ... Belief systems will determine the direction in which an advocacy coalition will seek to move governmental action programmes..." (Sabatier, 1987, p. 664). In planning theory, Faludi's concept of

planning doctrine is based on 'scientific belief systems', which is similar to a notion of Lakatos (Faludi, 1987). Even though we are looking at policy processes in far less formal institutionalised settings, we shall draw upon Sabatier's notion of 'policy belief systems' by distinguishing different levels in perceptions of the issue at stake: a deep core of beliefs, a near (policy) core of basic strategies and policy positions, a set of instrumental decisions, and the information necessary to implement the policy core in the specific policy area (Sabatier, 1987, pp. 666-667). We can relate the dimensions of policy arenas to these three levels of ideas on issues.

A second concept that further deepens our understanding of the link between the world of ideas and policy practice is the concept of 'discourse coalitions'. Although based on notions which are fundamentally different from those of Sabatier on how social structures come into being, there is a similarity in the empirical focus on how common action is based on shared ideas. The idea is that the basis for any policy practice is grounded in discourse between actors from public, private, scientific or political backgrounds (Hajer, 1995). Discourse analysis emphasises the role of language, also when looking at formally defined policy concepts, in order to understand how new perspectives on policy issues are shared by actors so that joint action can be taken. The concept of 'discourse coalitions' pertains to concordance in preferences for social developments and ways of dealing with them. Hajer shows that in finding common ground for action, specific story-lines have discursive power whereby they "permeate through society and actors reconceptualize their interests and recognize new opportunities and new trouble spots" (Hajer, 1995, p. 261). The reproduction of the (new dominant) discursive story-lines can be recognised in the "orientation of governmental policy, new legal practices (such as new operationalisations of liability), and new public cognitions and perceptions" (Hajer, 1995, p. 262). For this research into new policy practices in the context of European integration, we will therefore need to focus on how the spatial dimension of European integration is defined, how new perspectives are framed in spatial concepts and discourse.

The central focus in this research on the role of planning and its contribution to new policy practices in the context of European integration. Here, we are developing an idea of a policy arena that covers the structural properties of the interaction between various actors which results from a process of building a common understanding and finding common ground for collective action on the issue at stake. Healey distinguishes three dimensions to define the role of planning, namely "knowledge resources, relational resources and the capacity for mobilisation" (Healey, 1998a, p. 1541). These three dimensions of planning jointly contribute to 'building institutional capacity'. Planning is employed to focus on the spatial aspects of the issue, to find a common language to define the issue, and possibly to relate to more fundamental beliefs and knowledge of actors. The contribution of planning to placing spatial aspects at the core of policy processes and decision-making thus relates principally to the cognitive domain of interaction in which policy arenas are established. This means that apart from practical policy processes and formal institutional contexts, our concept of policy arenas also needs to cover the cognitive domain.

*The constitution of policy arenas*

The concept of policy arena is applied to grasp the structural properties of emerging European spatial policy-making in day-to-day policy processes. The justification for these joint operations by various actors can be embedded in some formal provision to seek cooperation or it can simply be an explicit strategy. The assumption is that the actors are mutually dependent and that policy arenas are social structures that exist through formal and informal rules which are applied in interaction.

In this research the analytical concept of policy arenas covers durable links between the supra-national tier and the diverse institutional set-ups and policy practices in the member states, which are built up in patterns of interaction around spatial development issues, as well as the range of perceptions of the issue at stake. According to Teisman, a policy arena is established around a particular initiative on a policy issue in which the various actors see opportunities for solving their own problems and achieving their own objectives: “Een beleidsarena formeert zich rond een bepaald beleidsinitiatief, waaraan een probleem/doel van minstens één der actoren aan ten grondslag ligt, maar biedt ook kansen aan andere actoren om hun problemen/doelen in te brengen” (Teisman, 1992, p. 62). The reason why the various actors participate is quite simply “the realisation of collective action in order to establish a common purpose or avert common threats” (Kickert *et al.*, 1997, p. 9). For our concept of policy arena, we can draw on the concept of policy networks that is used by Kickert *et al.* A policy arena is seen in this study as a newly established network of actors around specific issues these actors have defined themselves, whereas a policy network covers existing relations between actors that are activated for dealing with a changing issues. A policy arena is considered to be more focused and established for the occasion. But the basis for co-operation between the various actors in a policy arena is the same as policy network analysis sees it, namely the dependency of public actors on non-governmental actors for achieving their policy aims and vice-versa: “Interdependency is the key word in the network approach. Actors in networks are interdependent because they cannot attain their goals by themselves, but need the resources of other actors to do so. ... Interdependency is based on the distribution of resources over various actors, the goals and their perceptions of their resource dependencies” (Kickert *et al.*, 1997, p. 6). The dependency of actors on each other, or more precisely, on each other's resources is the driver for interaction in which a policy arena is established.

Like the concept of policy arrangements, the emphasis in durable patterns of interaction in our concept of policy arena is “to focus more on ‘stability’ than voluntarist policy network analysts do. In that sense, an arrangement links the interaction patterns of agents with the social-political structure within which these interactions take place” (van Tatenhove *et al.*, 2000, p. 54). The challenge when attempting to understand the establishment of policy arenas is to successfully identify the structural elements of interaction between actors in which durable links are built. To get to grips with this phenomenon of formal and informal structures in social interaction processes, we shall rely on Giddens' notion of the ‘duality of structuration’ (Giddens, 1984). According to this perspective, the structural



**Dimensions of policy arenas**

Composition

Selection &amp; identification

Interactions &amp; exchanges

**Box 4.1 - Policy arena as unit of analysis**

properties that are relevant for social interaction are embedded in the formal institutional context as well as being produced and reproduced in all forms of social interaction. The social relevance of structural properties can be understood as rules and resources which are employed in actual interaction. Consequently, structure is not simply conceived in terms of constraints, but also as a resource for enabling social interaction. Furthermore, “one of the main propositions of structuration theory is that the rules and resources drawn upon in the production and reproduction of social action are at the same time the means of system reproduction (the duality of structure)” (Giddens, 1984, p. 19). Policy network analysis also claims to share this focus on structuration as the production and reproduction of rules in social interaction: “Information, goals and resources are exchanged in interactions. Because these interactions are frequently repeated, processes of institutionalisation occur: shared perceptions, participation patterns and interaction rules develop and are formalised” (Kickert *et al.*, 1997, p. 6). In our concept of policy arenas we need to take both formal institutionalised rules and informal rules into account as these somehow make up the structural properties of a policy arena.

Led by the work of Klijn who also uses the concept of policy arenas, we can make a further distinction between two sorts of rules: interaction rules and arena rules (Klijn, 1996, p. 65, table 3.1). Interaction rules determine the patterns of interaction: the methods or procedural steps followed by actors in their interaction. Interaction rules reflect the way in which the decision-making process is organised, how conflicts are solved, and the exchanges that are made, such as the information that is shared (or held back). Mechanisms for conflict mediation, such as negotiations on financial incentives, procedural requirements and intervention or non-intervention, are also expressions of interaction rules. Interaction rules reflect the nature of the interaction between the participating actors in a policy arena, and determine how they jointly deal with a spatial development issue.

Arena rules determine the constellation of the participating actors that make up the policy arena. They reflect the position of each actor, i.e. the institutional context, the government tier he represents, or his position as a private party or social organisation. According to Klijn, the composition of a policy arena has implications for its status, and hence for the status of participating actors (Klijn, 1996, p. 65). Arena rules reflect the composition and indicate the nature of the policy arena: for instance, they may choose to develop a public-private partnership, thus opening up policy-making for private parties, or to establish a formal platform for consultation.

Arena rules and interaction rules are closely intertwined in the process of gaining

access to interaction. The constitution of a policy arena can be understood as a process of the inclusion or exclusion of possible stakeholders. These two rules of social interaction help us to draw an analytical distinction between various dimensions of policy arenas. One dimension of a policy arena is its composition, which is the result of arena rules. Another dimension is the nature of the interaction and exchanges on an issue, which is reflected in interaction rules (see Box 4.1).

Our concept of policy arenas recognises the differences in the ideas, perceptions, knowledge and rationale of the actors involved explicitly as resources that shape joint interactions more than is done in policy network analysis. If the perceptions of an issue are considered as a resource, then we can also speak of the production and reproduction of perceptions in which a policy arena is established. Similar to Giddens' notion of the production and reproduction of rules that is part of a process of structuration, Giddens defines the process of signification in which a symbolic order is grounded (Giddens, 1984, p. 33). For our concept of policy arenas this means that we need to acknowledge that participation in interaction means that each actor places some of his/her own resources at the disposal of a joint approach. In this process actors relate to an issue and consequently contribute to its joint identification. They draw upon their own perceptions and ideas in order to contribute to joint selections and joint identification of the issue at stake. Discussions on spatial concepts, or the use of knowledge or data in a spatial development issue should be seen in this light. We shall define these interactive processes of selection and identification as another dimension of policy arenas. In this research, we are interested in policy arenas in which an issue is identified as a European spatial development issue. Below, the concept of the policy arena as the basic unit for analysis is defined along the lines set out here.

#### *Properties of policy arenas around European spatial development issues*

The policy arena is the basic analytical unit in our investigation of emerging European spatial policy-making. Three dimensions are distinguished in order to grasp the properties of policy arenas around European spatial policy-making. The properties of each of these dimensions are further defined to help us understand how spatial deliberations are brought to the core of policy processes and decision-making (see Box 4.2 for overview).

The dimension of *composition* essentially relates to the basic set-up of a policy arena. The composition of the policy arena is characterised by the position of each of the actors, in terms of the institutional context in which the actors are rooted and the resources of policy instruments and ideas and knowledge they can draw upon in their position. In this research, which sees European spatial policy-making as an example of multi-level governance, the composition is determined by the various government tiers that are actually represented in a policy arena around an issue. Furthermore, this context reflects the motivation to get involved in tackling an issue, or to get others to participate. In the cognitive domain, the composition of a policy arena is characterised by the basic variety of the aims, views and ideas of actors that are represented. This is where we will follow Sabatier's reference to the "deep core of

Dimensions of policy arenas	Properties of policy arenas
Composition	The different types of actors and their institutional position, also the institutional setting of the policy arena itself. The fundamental views that are mobilised around an issue. The ability for spatial conceptualisation.
Selection & identification	Perceptions and strategies concerning the issue at stake that are brought in interactions. Also requirements for actors to gain access to policy arenas and the relative position of actors within arenas. Shared concepts, new perspectives and definitions that are determined in interaction and that enable joint efforts.
Interactions & exchanges	The nature of interaction and the contributions of specific actors to ongoing interaction. The nature of exchanges, such as information or specific data, procedural provisions. The actual output: a plan, a regulation, a decision, an investment.

**Box 4.2** - *Properties of policy arenas that can be found in the three dimensions*

fundamental normative and ontological axioms which define an individual's underlying personal philosophy (applies to all policy areas, very difficult to change, akin to changing religious beliefs)" (Sabatier, 1987, pp. 666-667)<sup>81</sup>. These basic ideas and views on an issue also represent the real motives of actors to participate in a policy arena. Drawing on Ostrom, we can determine that each actor who is involved in a policy arena has his/her own perception of the issue at stake, which is derived from "the valuation actors assign to states of the world and to actions; the way actors acquire, process, retain and use information" (Ostrom, 1986, p. 460). This also includes their conceptualisation of spatial aspects.

When analysing the composition of a policy arena, we need to take account of its broad policy and social context. There are a few basic distinctions which signify fundamental differences between the actors, such as whether they originate from the public or the private sector, or ngo's or other parts of society. For actors from the public sector, we need to look at the policy domain they represent, the policy documents and policy aims they work with, their access to information, and their involvement with specific scientific (government) institutes. Furthermore, their government tier and the formal regulatory incentives for them to be involved in the issue are important to understand their link to other actors. For private actors, we can roughly distinguish between expertise (as specialists in certain fields), especially in more technical sectors, and investors in whatever activity or project. The ability and desire to link with public interests is, of course, also important. Depending on the scope of their activities and the size of the company or sector they represent, this

81 To help define the properties of policy arenas we use the three levels distinguished in the cognitive domain by Sabatier, although he has defined them for 'policy belief systems' in a more rigid context of the formal institutions of policy systems.

is something the actors do alone or in an organised manner. In the case of pressure groups the scope of their activities and the interests they represent is also relevant. Another important factor is their knowledge base and practical experience and their access to formal information and data. The analysis of the context of a policy arena shows the incentives and the variety of discourses involved in a European spatial development issue (Hajer, 1999; Wissershof, 1998).

A policy arena is constituted or adapted through a process of the *selection* of actors and the *identification* of the relevant issues in these interactions. Selections are also made on the basis of how to deal with the issue, leading to ad hoc arrangements, the mobilisation and application of existing instruments or the development of new policy instruments. In the cognitive domain, the identification of the policy issue and selections concern the more changeable perceptions of an issue. Sabatier calls this “a near (policy) core of basic strategies and policy positions for achieving deep-core beliefs in the policy area/subsystem in question (applies to specific policy areas, change is difficult, but can occur if experience reveals serious anomalies. The distribution of authority between levels of government, basic choices for instruments, etc. belong in this category)” (Sabatier, 1987, pp. 666-667). This suggests that in the selections that are made, the actors share their own perceptions to create a joint perception in interactions in which the policy issue is identified. Each of the actors helps to delineate the scope of the issue at stake and thereby contributes to a joint perception by offering their own perceptions, arguments, ideas and views and by drawing on the strategies that are rooted in their deeper core of beliefs and specific rationale, eventually identifying it as a European spatial development issue.

In analysing this dimension of a policy arena we can also link to concepts of power, as actors decide or are pressed to bring in whatever they have to offer: “Le pouvoir et une relation et non pas un attribut des acteurs. Il ne peut se manifester – et donc devenir contraignant pour l’une des parties en présence- que par sa mise en oeuvre dans une relation qui met aux prises plusieurs acteurs dépendants les uns des autres dans l’accomplissement d’un objectifs commun qui conditionne leurs objectifs personnels » (Crozier, 1977). Power can be defined at a discursive level – as in a powerful idea – or as a contextual merit, but in the long run, power is employed in what the actors (voluntarily or otherwise) contribute to delineating the scope of the spatial development issue and how to deal with it. This includes the ability to liaise with other relevant actors (Healey, 1997). Power is the ability of one actor to contribute more than the other actors to identifying and determining ways to deal with a spatial development issue. This ability may also include developing new perceptions, or even developing new European spatial conceptualisations (Zonneveld, 1991; Peizerat, 1997). Actors draw on the resources they have at their disposal, such as policy instruments, legislative competencies, network of relations, funding, policy concepts, spatial concepts, information and data. The analysis of this second domain in a policy arena needs to cover the diversity of the perceptions of the issue, which are included in the interaction and the joint choices that are made in identifying it as a spatial development issue.

The process through which a policy arena is constituted is essentially grounded in

a sequence of *interactions* around the issue at stake. A policy arena evolves from a pattern of interactions, which is seen as a process of structuration (Giddens, 1984). These interactions are related to the resources that are available to the various participating parties, and which they can employ to meet their aims. When financial incentives are available as a resource, interaction is about funding or at least about the requirements for funding. This dimension of the concept of policy arena coincides with what van Tatenhove *et al.* define as ‘rules of the game’ for policy arrangements, a concept they use to delineate a policy domain. In their view, there are rules that describe how policy-making takes place in terms of “how issues may be raised; agendas are set; interests articulated; policies formulated; decisions made; and measures implemented” (van Tatenhove *et al.*, 2000, pp. 62). The nature of these interactions is not only determined by formal and informal rules with which we can define patterns of interaction or routines, but also by the exchanges between actors in these interactions. This means that we must look again at the cognitive domain, as this dimension of a policy arena concerns the actual pieces of information which are exchanged in interactions. To understand the nature of these exchanges we can turn to Sabatier, who calls this “a set of instrumental decisions and information necessary to implement the policy core in the specific policy area (specific policy domains or subsystems, change is moderately easy, mostly administrative or legislative policy-making, practical decision of budget allocation, statutory interpretation and evaluations)” (Sabatier, 1987, pp. 666-667). The confrontation between the actors’ ideas, information or data can also be a confrontation between different story-lines or policy concepts on how to address issues. In the end, working methods, procedures or formal regulatory arrangements are developed in these interactions and exchanges which reflect some shared perception of how to address the spatial development issue at stake.

An analysis of the interactions and exchanges in a policy arena concerns practical day-to-day policy processes and decision-making. Interactions concern formal and informal meetings, developing and applying regulations and procedures, or developing or adapting spatial concepts or programmes. Exchanges concern the pieces of knowledge, formal procedural requirements and policy commitments, financial obligations, information and data, to arrive at a shared perception on the spatial development issue at stake. Finally, the decisions that evolve from these interactions determine the actual output in terms of collective action with a view to bringing about spatial developments.

The conceptual model of the policy arena we have defined above allows us to gain insight into the properties of policy arenas in the real world. The three dimensions of policy arenas are an analytical distinction of the properties of the policy arenas around the European spatial development issue which we will investigate. In all the dimensions of a policy arena, we will look for the focus on spatial aspects of the issue. The ultimate aim of this analysis is to gain insight into the variety of policy arenas. This variety is determined by the way in which a policy arena is established around the spatial aspects of an issue.

#### 4.4 Research design for European policy analysis

Above we have defined a conceptual model of a policy arena as the analytical unit for investigating emerging European spatial policy-making. With the concept of the policy arena as unit of analysis, we adopt a slightly different approach from the institutional focus in the analysis in the first part of this research. By focusing on the links between European and national policy-making which are established in actual policy processes, we put a stronger emphasis on informal processes and on the role of the actors who are actually involved in policy processes.

##### *The European policy system as an institutional factor*

The first explorative phase of this research in chapters 1 and 2 included a broad range of issues and policy developments. We relied on desk-research of policy documents and texts of legislation to make this feasible. An additional analysis of secondary literature and expert interviews provided us with deeper insight into the context of official documentation and allowed us to make interpretations. The explorative nature of this phase includes the development of analytical concepts, such as the notion of the policy arena and the search for spatial development issues. Although we did not take account of the trends and developments in which the policies originate, the emphasis was on formal structures for understanding developments in European policies. This is a type of analysis that stems from a form of 'new institutionalism' that draws on 'historical institutionalism' (Hall, 1996, pp. 937-941; Peters, 1999, pp. 63-77). Here, existing structures are among the central factors which, albeit mediated by contextual features, push new developments along predefined paths and embodied ideas in existing structures. We considered the formal institutionalised links between the European Union and the member states in our analysis as the result of a course of events over the past five decades which determines current practices of policy-making and the issues that are addressed.

In our definition of policy arenas as a unit of analysis, we shall still take the formal institutional setting of emerging European spatial policies into account. But, with the three dimensions of policy arenas defined above, we shall do so to explicitly identify the position of an actor in relation to other actors and to gain an understanding of the composition of a policy arena. With the policy arena as the unit of analysis, we will focus on "the highly-interactive and mutually-constitutive character of the relationship between institutions and individual action" (Hall, 1996, p. 948). This is an approach similar to what Hall and Taylor define as 'sociological institutionalism' in which the relationship between the institutional context and action is characterised as "the way institutions influence behaviour by providing the cognitive scripts, categories and models that are indispensable for action, not least because without them the world and the behaviour of others cannot be interpreted" (Hall, 1996, p. 948). Our analysis thus includes the formal institutional context of policy processes with an emphasis on its relevance to the cognitive domain in order to gain insight into the 'cognitive scripts, categories and models' that each of the actors employ in interactions in order to focus on the spatial aspects of the issue at stake.

The initial analysis of the member states' policy systems also had a strong formal institutional focus, similar to the first explorative analysis of European policies. We started off by focusing on statutory spatial planning systems as the pivot for dealing with European spatial development issues, but only to discover that the statutory planning system cannot serve as a vehicle for covering the full scope of these issues. We observed through desk research and expert interviews that European spatial development issues are actually linked to several policy domains, such as infrastructural planning or regional development policies. Together with the changing statutory planning systems, this merely leads to new ways of dealing with spatial development issues. This leaves us with the obligation to reflect on the selection of member states that are included in this research.

*Member states' statutory planning systems as an institutional factor*

One of the first tasks in this research was to select the member states that were to be included in this investigation, notably France, Germany, the Netherlands and the United Kingdom. There were obviously some practical reasons for this selection, such as the language skills to conduct interviews. The main reason, however, was that these four northern-European countries are considered to represent the full range of well-established statutory planning systems in Europe (Mastop, 1989; CEC, 1997; Alterman, 2001). This range of statutory planning systems and planning tradition was considered relevant for investigating the future set-up of European spatial policy-making.

The four member states that are considered in this research all play an active role in various Interreg projects in which the initiatives for developing European spatial planning as an instrument for European policy-making can be found. Interreg projects in the north-western region of Europe have contributed to developing the first conceptualisations of the European territory (CEC, 1996). Furthermore, the Netherlands and France are the initiators of the comprehensive reports on regional development and the European Spatial Development Perspective<sup>82</sup> (Faludi and Waterhout, 2002). Andersen and Liefferink observe how states can play a pioneering role in promoting the incorporation of certain policy issues in European policies (Andersen and Liefferink, 1997). The north-western European member states with their fully-fledged and well-established statutory planning systems were thus initially considered to be pioneers in European spatial policy-making and European planning. If we use the further efforts towards the ESDP as benchmark, it seems difficult to support and follow such a perspective, as all the member states, including those in southern Europe, have somehow played their part in stimulating debate, meetings and further formal steps in developing the ESDP (Faludi and Waterhout, 2002). On the basis of our first insight into the spatial development issues that are closely connected to the process of European integration, we chose a broader

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82 The reports *Europa 2000. Perspectieven voor de ruimtelijke ontwikkeling van de Gemeenschap* (CEC 1992), *Europa 2000+. Samenwerking voor de ruimtelijke ordening van Europa* (CEC, 1994) and the *European Spatial Development Perspective* (CEC, 1999).

perspective on emerging European policy-making with a particular interest in the way it is linked to all the relevant policies of the member states. We therefore need to take the diversity of spatial planning systems and spatial policy traditions into account in a different manner for the research design.

In our analysis of emerging European spatial policy-making, with policy arenas as the unit of analysis, we will still take the formal institutional context of member states' spatial policies into account. The statutory planning systems as such are not the principal focus of our analysis, but with an analysis of the way spatial aspects are brought to the centre of European policy processes and decision-making, there is ample reason to take the variety in the set-up and operations of national statutory planning system into account in the research design. The justification of any selection of countries for in-depth analysis is a precarious affair, as it is impossible to design a classification that includes all planning systems, let alone make a representative selection from it. In the Compendium of Spatial Planning Systems and Policies, no such attempt is made, but four major 'traditions' are identified nonetheless (CEC, 1997, pp. 36-37): regional economic planning, comprehensive integrated planning, land-use management and urbanism. The tradition of urbanism, that is considered to be characteristic for the Mediterranean countries, has been absent so far. Aside from the practical linguistic problems of in-depth research, the inclusion of Spain, Portugal, Italy or Greece in this study was considered disadvantageous at this point on account of the dominance of European structural funding in (large parts of) these countries. France, the Netherlands, Germany and the United Kingdom thus represent three of these four traditions in spatial policy-making, with well-established statutory planning systems. Another reason for continuing to use these four European countries in this research is that they are considered to show the most relevant links between supra-national policy-making and national policy-making.

These four countries represent various systems of government with a view to the hierarchy of government tiers that is relevant for analysing emerging European spatial policy-making. In particular, France, traditionally a centralised state, has created strong regions for the policies relevant to our research. The Netherlands is a decentralised unitary state with distinct strategic policy-making capacity at the tier of central government. Germany is a federal state with joint policy procedures for the various government tiers. For further analysis North-Rhine Westphalia was selected as one of the larger *Länder* (in particular in terms of inhabitants) that has a fully-fledged statutory planning system and other relevant policies. The United Kingdom is a strongly centralised state, particularly with regard to spatial policy-making. For further analysis, the focus is on England to avoid the complications of special spatial policy-making competencies that are currently being accorded to Scotland and Wales. Based on the characteristics of their domestic spatial planning systems, these four member states are considered to provide an informative setting for analysing links with supra-national policy-making.



*Case studies for European policy analysis: most different case design*

The search for cases to analyse policy arenas needs to cover many contextual factors of actors and their interactions, as well as complex interlinks between actors and their interactions around a spatial development issue. For a thorough and encompassing analysis this requires a suitable method of research. Case studies are the most suitable research method for covering the complex intricacies of policy arenas. Case studies allow subtle treatment of empirical data in the search for where and how the crucial interlinks around European spatial development issues are created. In his elaborate comparison of traffic and infrastructural policies in two European cities, Hendriks mentions the underestimated qualities of case studies in particular for international research and cross-national comparative research. He stresses the benefits of deepening the definition of the analytical concepts used: “Empirische aanscherping van een analytisch begrip (bureaucratisering, informatisering, institutionalisering, etc.) is minstens zo belangrijk als het empirisch vaststellen van statistische regelmaat en spreiding” (Hendriks, 1996, p. 15). A further advantage is that only a few case studies are needed to learn more about the complex relations between multiple variables. The findings of a few case studies can contribute to our understanding of the relationship between European and national policy-making through theoretical generalisation. While accepting that each case study illuminates a unique constellation of policy processes, we will be able draw conclusions on the basis of the focus on the role of planning in the constitution of policy arenas around European spatial development issues.

European policy analysis is not easy to define as a type of research. International research focuses on the organisation of international relations between nation states. In the first chapter, we considered European integration as a process of cooperation between the participating member states on an extensive, yet limited, set of issues. The way in which these issues are addressed was explored further in the second chapter. The analysis that we conducted in this chapter basically concerned a cross-national comparison of the policy systems of four member states in order to investigate how European spatial development issues are dealt with in different systems. Cross-national comparative research focuses on the differences and similarities of certain properties of nation states (Korsten, 1995; Øyen, 1992). With our focus on policy arenas as the unit of analysis, which comprises elements of both the European Union and member states’ policy-making, we need to include both European and national (regional, local) policy practices. This makes for an international research with elements of cross-national comparative research, in the sense that the diversity of policy processes in different member states are also included.

For the definition of our research design, we can learn from the pitfalls of cross-national comparative research. One of the risks of cross-national comparative research is a one-sided national perspective; another is the comparison of two essentially different phenomena. The definition of analytical concepts requires particular attention. According to van Deth (in: Korsten *et al.*, 1995, p. 40), it is important to find the equivalent of an agency rather than the identical agency

involved in dealing with a European spatial development issue. To identify an actor, we shall use either neutral notions such as ‘representatives of central government’ or the specific name for an institution in its original language<sup>83</sup>. We thereby take into account all the peculiarities of such a ministry in its own national context. Another important issue is the differences in the division of government tiers. According to Korsten *et al.*, it is particularly important in research which includes political systems and cultures to understand the links between these tiers: “Het verbinden van analyses op organisatie niveau met informatie over politieke stelsels en nationale culturen leidt tot verrijking van bestaande inzichten. Zeker als het gaat om het begrijpen van het functioneren van overheidsorganisaties, zijn deze verbindingen van belang” (Korsten *et al.*, 1995, p. 80). With our analysis of policy arenas, we focus explicitly on these links between the various government tiers in policy processes.

With the concept of the policy arena as we have defined it as our unit of analysis we should be able to avoid the intricacies of cross-national research altogether. There is always another research unit that can be distinguished for cross-national comparative research. In the words of Ragin: “In comparative social science, it is necessary to distinguish between observational units and explanatory units. ...Observational unit refers to the unit used in data collection and data analysis; explanatory unit refers to the unit that is used to account for the pattern of results obtained” (Ragin, 1987, p. 92). We have defined the policy arena as the analytical unit, or in other words the ‘observational unit’, for this research. The context of our analysis, or ‘explanatory unit’, is the process of European integration. By analysing policy arenas around European spatial development issues, we seek to gain a deeper understanding of the process of European integration. By analysing the establishment of policy arenas around European spatial development issues we hope to be able to discover the locus of European integration.

We retain the process of European integration as the uniform context for analysing the changing processes of policy-making on spatial development issues in European Union policies and member states’ policies in the different cases. There are two distinct methods for selecting cases for further research: the ‘most similar systems design’ and the ‘most different systems design’ (Bertrand, 1995, pp. 85-102). Selecting similar and comparable cases is a difficult and thorny exercise. We need to investigate cases in which policy arenas around European spatial development issues are established. In the four member states that are included in this research, there is a wide variety of formal institutional settings (‘systems’). This makes it extremely difficult to select equivalent cases in the four member states. Korsten *et al.* point out the serious risk of creating similarities in the selection of cases for international comparative research, as it is difficult to determine equivalent

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83 Instead of using a neutral expression like ‘Ministry for the Environment’ to refer to the section of central government that is responsible for environmental policy, we can use the name *Bundesministerium für Umwelt (BMU)* for the German ministry, *Department of the Environment (DoE)* for the United Kingdom, and *Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieu (VROM)* for the Dutch equivalent.

situations beforehand: “Nu gaat het bij het werken met deze modellen niet om een toevalligheid, maar om een bewuste keuze; selecteer je nu bewust landen die op zoveel mogelijk punten aan elkaar gelijk zijn (Most Similar System Design) dan kan dit gelijk-maken ertoe leiden dat we in de valkuil lopen van het ‘matchen’. Landen bewust vergelijkbaar maken voor een aantal aspecten, kan ongemerkt betekenen dat ongelijkheid wordt gecreëerd” (Korsten *et al*, 1995, p. 91). Within the context of the process of European integration, we need a selection of case studies that covers as many of the variables as possible, including the formal institutional systems, the policy-making traditions, the behaviour of actors and the perceptions of the issues at stake. We shall therefore follow the most different case design.

The central idea behind this selection mechanism is to take a maximum variety of variables into account in different cases. The four member states that are included in this research are seen as part of a larger system: “landen als componenten van een groter systeem” (Bertrand, 1995, p. 90-91). In other words, we accept beforehand that there are many differences between the European Union member states. Investigating differences in otherwise comparable cases would merely confirm this insight. Instead of trying to find identical situations in which policy arenas are established, we accept that the circumstances in which policy arenas are established are different anyway and turn to the factors that are crucial for the dynamics of policy arenas for European policy processes and decision-making.

What we are looking for in the end, is what is the locus of European integration. We have conceptualised this as policy arenas around European spatial development issues. What we are interested in here is the way in which planning is used for dealing with European spatial development issues and thus for the establishment of these policy arenas. It is the analysis of what we have called the ‘virtues of planning’ that help us learn more about this process of discovering the locus of European integration. Our analysis needs to focus on the variety of policy arenas around European spatial development issues. This variety may reflect the complexity of different European policy domains and policy systems of member states, but is characterised by the dominant planning mechanisms that are employed to illuminate spatial aspects of an issue at stake. On the basis of planning theory, we have distinguished four planning mechanisms in the previous chapter that represent the variety of ways in which policy arenas around European spatial development issues are currently being established in actual policy processes: appealing spatial concepts, knowledgeability of spatial patterns, mediation in negotiation on spatial development, and trust in existing locally vested spatial perspectives (see Box 3.1). The distinction of these four planning mechanisms will be used as the leading factor for selecting the most informative cases for further analysis.

#### 4.5 Research methodology and selection of case studies

The four planning mechanisms that are taken as the starting point for the selection of cases, are considered to be the principle variable for understanding how policy

arenas are established around European spatial development issues. They mark distinct paths along which these policy arenas evolve. In our analysis of emerging European spatial policy-making we aim to cover the maximum variety of policy arenas that can be found around European spatial development issues in relation to these four planning mechanisms. Consequently, we shall select four cases according to a 'most different' case design in order to find a typical and most illuminating example of the contribution of each of these four planning mechanisms to the establishment of a policy arena.

#### *Selection of cases in European policies*

Whereas planning mechanisms are considered the principle variable for understanding the variety of ways in which policy arenas are established around European spatial development issues, there are two other variables that need to be taken into account in order to be able to select the most illuminating cases. Firstly, we need to search for typical examples of the three spatial development issues we have identified in European policies that are closely linked to European integration: structural improvement of regions, infrastructure networks at European level, and the quality of rural areas. For each of these spatial development issues, at least one suitable part of European policy or measure needs to be selected for further analysis in a case study. As the developments in European policies that are relevant for this analysis covered the past ten to twelve years, we shall apply this timescale to our selection of the part or measure of European spatial policy-making for the case study analysis.

Secondly, we need to take the peculiarities of the member states that are covered in this research into account for the further definition of case studies and the variety of ways in which European policies link up with national policies. For each of the selected parts or measures that exemplify European spatial policy-making the most illuminating situation will be selected in one of the member states on the basis of the characteristics of its statutory planning system and tradition of spatial policy-making.

The creation of situations for negotiations on spatial developments is a prominent planning mechanism in European policy by means of the procedures for the European structural funds. The structural funds are often even seen as the part of European policies that has the greatest influence on the spatial pattern in Europe due to the vast amount of funding that is involved. For further analysis in a case, we will select objective 2 for the structural funds. The structural funds are applied according to this objective to deal in particular at structural improvement of the old industrial areas. The structural development problems in these regions have a strong physical element with a focus on developing infrastructure and industry and business sites. Furthermore, the idea is that the problems in these regions are closely connected to the impact of the creation of the single European market. Situations of negotiation on spatial development are also created in other types of regions for regional policy and the common agricultural policy, as well as by funding mechanisms in the common transport policy and for nature protection in the European environmental policy.

Planning mechanism	Part or measure of European policy	Member state & case
Creating negotiations on spatial development	Objective 2 for structural funds in European regional policy	United Kingdom, the North East of England
Appealing spatial concept	High-speed railway network of Trans-European Networks, within the Common Transport Policy	The Netherlands, Dutch section of the PBKAL high-speed railway network: HSL-zuid
Knowledgeability	Natura 2000 in the Habitat directive in the European environmental policy	Germany, selection of sites in Nord-Rhein Westfalen
Trust in locally vested spatial perspective	Agro-environmental measures in the Common Agricultural Policy	France, the Parc Naturel Régional of the Ballons des Vosges

**Box 4.3** - Selection of cases for further in-depth analysis of policy arenas

The planning mechanism of an appealing spatial concept, in a way the most classic planning mechanism, is represented in two parts of the European policy: the concept of trans-European networks in the common transport policy and the concept of Natura 2000 in the European environmental policy. In the analysis in chapter one we saw that the concept of trans-European networks in particular is connected to a mixture of policy instruments; this makes this concept an unambiguous choice for further analysis as an appealing European spatial concept. The analysis of the contribution of the concept of trans-European networks to the establishment of the policy arena around infrastructure at European level will be undertaken in a case study on the decision-making on one of the priority projects, namely, the high-speed rail connection between Paris-Brussels-Cologne-Amsterdam-London (PBKAL). As the high-speed railway system is the cradle of the concept of trans-European networks and therefore also the best developed part of the concept, this will be chosen in particular for further analysis. Analysing decision-making on high-speed rail infrastructure also covers the full range of issues that play a role in infrastructure planning and development which is addressed by the concept of trans-European networks.

The other European spatial concept, Natura 2000, stands out for its emphasis on knowledge of spatial patterns and spatial developments, i.e. on the key ecological resources in Europe. This makes for an illuminating case, given the aims in European environmental policy to bring about a communicative approach to policy-making, in combination with the set up of a network of institutes for the collection and dissemination of data and for the production of regular reports on the state of

the environment and nature in Europe. The habitat directive, in which the concept of Natura 2000 is laid down, provides for a phase of collecting data on the key ecological resources in Europe and the selection of sites that will form part of this European ecological network of protected nature areas. Thereafter, the directive sets out the procedural framework for realising the actual protection and management of these sites. The case study will focus on the first phase.

The planning mechanism of linking European policy to shared spatial perspectives in existing, locally vested policy arenas can best be analysed in the Common Agricultural Policy. Many measures in the Common Agricultural Policy are directly influencing management and production on individual farms. The reform of the common agricultural policy has led to a growing emphasis on the relationship between agricultural production and the quality of rural areas. This is particularly visible in the agri-environmental measures, which require definition of the qualities of rural areas that need to be respected by means of adapted agricultural production for which in turn compensatory allowances are paid.

This selection means that the spatial development issue of the quality of rural areas is investigated in two cases. This still makes for a balanced selection in the light of the rather broad definition of this spatial development issue, and the relative importance of the rural areas in European policies in the common agricultural policy, for the structural funds, as well as in the environmental policy. On the basis of the relevant parts and measures of European policies which address the European spatial development issues, a further selection of cases can be made by including the member state that figures in case study. The most illuminating combination of the variables 'planning mechanism'-'part of the European policy'-'member state' is made to grasp the variety in policy arenas and, in the end, to gain an understanding of the role of planning in European integration (see box 4.3). The cases are selected on the basis of the overview of relevant policies and developments in the statutory policy system (see Appendix 3 for overview). Below, we shall further clarify the selection of cases in combination with the member state in which it is analysed and we shall define the aim of each case study.

#### *Four cases of policy arenas around European spatial development issues*

With a view to the central aim of this study, each of the case studies needs to provide insight into the contribution of each of the planning mechanisms to the establishment and dynamics of policy arenas around European spatial development issues. The case on creating situations of negotiations on spatial developments is thus aimed at gaining insight into how a policy arena is established around the spatial development issue of structural improvement of regions. The Netherlands does not provide for the best example, as it has scarcely any tradition in this field and has only recently rediscovered funding mechanisms for bringing about spatial developments. France can offer an illuminating case for this issue, as statutory planning is strongly geared to the general distribution of public funding in the *contrats de plan État-Région*. The disadvantage of a French case would be that it would mostly concern negotiations between various public parties and would provide for

very limited insight in private party involvement. In Germany, the case of the *Kommunal Verband Ruhr* could provide an illuminating case in which negotiations on regional redevelopment are undertaken between various parties which involves both European and German funding. Yet, in the end the North East of England has been chosen because its efforts for regional redevelopment involve various forms of public-private participation. For decades European funding mechanisms have co-existed in the region with English funding mechanisms. Also a useful basis of secondary literature is available.

The aim of the case study into the development of high-speed railway is to gain insight into how the concept of trans-European networks contributes to establishing a policy arena around infrastructure development in the context of European integration. The United Kingdom is short of illuminating cases because of lagging interest and overall investment in infrastructure, apart from the Channel tunnel. France and Germany could provide an illuminating cases for the development of high-speed rail, but they are both well ahead with the scheme of the new European infrastructure policy as they were the ones who started the high-speed rail and train systems in Europe. The advantage of a Dutch case is that the significance of the concept of trans-European networks vs. concepts in national strategic spatial plans on transport and mobility can be analysed with a view to infrastructure planning. The Netherlands provides a complete case, given the progress in the privatisation of the national railway company NS and the attempts of the Dutch government to find private investors for the high-speed rail projects.

The analysis of promoting knowledgeability of nature in Europe with the aim for creating the Natura 2000 network of nature areas requires a case in which the process of data collection on key ecological resources in Europe contributes to the establishment of a policy arena. Protection of nature is part of the European spatial development issue of improving the quality of rural areas. France has no comprehensive policy on nature conservation, but relies on offering legislative possibilities for the conservation of nature at regional and local level. Both France and the United Kingdom have a policy of establishing national parks or regional parks, but this has a much wider scope than 'only' nature protection. The Netherlands and Germany have more comprehensive policies on nature conservation – albeit in Germany mostly undertaken by the *Länder* – and have set up a fully-fledged system of scientific institutes to support nature protection policies. As these institutes were initially set up for the national priorities in nature conservation; the case study can examine how they are now operating in the context of European policies as well. We have chosen to investigate this case further in Germany and in the *Land* of Nordrhein-Westfalen to gain insight into the process of gathering and disseminating data on key ecological resources. This case thus also includes the German federal system of joint policy-making between the various tiers of government (*Land, Bund*) in the context of European policies.

The case study into the agri-environmental measures investigates how links are created in European policy to an existing, locally vested policy arenas around a local spatial perspective. This analysis focuses on how these agri-environmental measures

contribute to the dynamics of this locally vested policy arena and how it is made a policy arena around the European spatial development issue of improving the quality of rural areas by changing local agricultural practice. As agri-environmental measures are not applied there, the Netherlands cannot provide for a good example. In the United Kingdom, maintaining the highly-esteemed countryside is a prominent issue for which various central government agencies and their regional representations are responsible. As within the responsible government agencies in Germany, there was a quick response in these regionally operating agencies in the United Kingdom when the European measures were newly introduced. Yet France can offer an even more interesting case as the agri-environmental measures are applied in various ways. The regional nature parks in France can provide a particularly illuminating case of institutionalised local co-operation between otherwise fragmented local and regional governments and representatives of social organisations inhabitants and farmers of an area. The regional nature parks are founded in a process in which also a shared perspective on the region is developed with a focus on nature, the quality of landscape and the desired spatial development of the area as a whole.

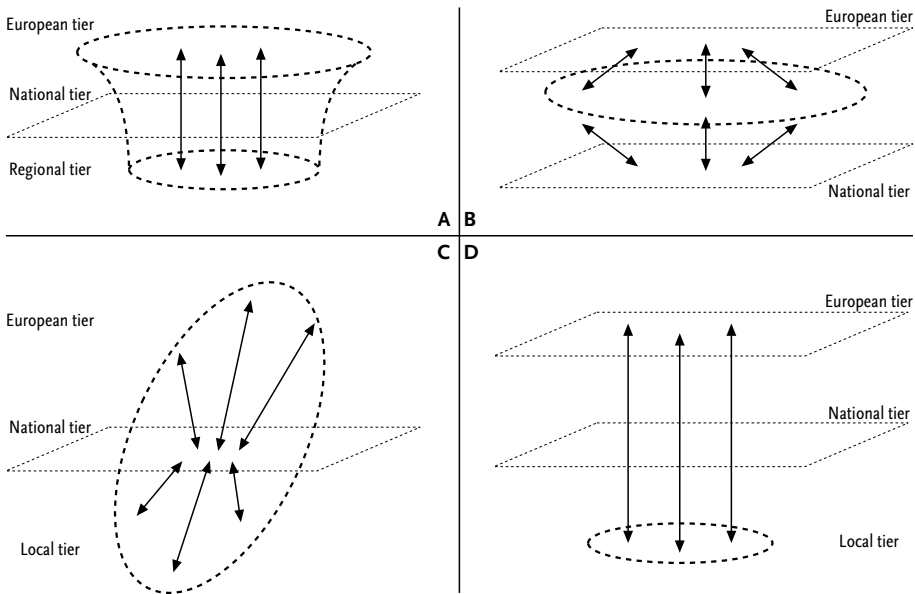
The central aim of this study, in the end, is to gain an understanding of the contribution of planning to progressing European integration. An analysis of four cases of European spatial policy-making provides the empirical basis. We have analytically distinguished three dimensions of policy arenas: the composition of the policy arena; the selections that are made and the identification of the spatial development issue; and the nature of the interactions and exchanges. Analysing these three dimensions of policy arenas is undertaken to gain insight into the contribution of planning to the establishment of these policy arenas.

#### *The challenge of identifying policy arenas and research methodology*

The aim of the case studies is to gain insight into the way in which planning mechanisms are used to bring different parties from various policy tiers together around a European spatial development issue in joint policy processes and decision-making. The case studies will reconstruct the policy arenas that are established around the European spatial development issue at stake.

The cases have been selected on the basis of the four basic planning mechanisms that play a role in European spatial policy-making. In practice it can be expected that more than one planning mechanism is applied to bring the spatial aspects of an issue to the centre of policy processes and decision-making. That said, the selection of cases is based on the assumption that one of the planning mechanisms is recognisably dominant in the establishment of a policy arena around a European spatial development issue. In the analysis of the cases, the possible contribution of other planning mechanisms is borne in mind. In the selection there is a focus on one of the member states, which makes it even more difficult to claim that the policy arena as described in the following chapters represents a policy arena in the real world. In the policy arenas that are truly European, it is inevitable that representatives of other member states are also involved. Therefore, the policy arenas that are





**Figure 4.2 - Variety of policy arenas around spatial development issues that are established in European policies**

analysed in this research represent a cross-section of a policy arena in the real world which covers European and national representatives and other parties that are active either at the European tier (such as lobby organisations) or within the framework of national policy-making. Finally, it needs to be acknowledged beforehand that, although we are looking at a policy arena as an empirically identifiable entity, the reconstruction of such a policy arena is, in the end, what we claim to observe in this research. In practice, as there will be many different, partly linked policy arenas around the issue at stake, maybe with various sub-arenas, the challenge is to determine which is what. The analytical distinction of three dimensions of the policy arena as the unit of analysis helps to create a clear picture.

Describing the properties of a policy arena with a view to these three dimensions allows us to grasp the dynamics of the variety of actors involved, the definition of the issue at stake and the way this issue is dealt with. Drawing on our first insights into the link between European policies and member state policies, we can formulate distinct hypotheses of the dynamics of policy arenas around the four selected examples of emerging European spatial policy-making. In the context of the European regional policy, we can expect a policy arena around the structural improvement of regions in which direct links between the regional/local tier and the European tier are eminent (see Figure 4.2, illustration A). Creating situations of negotiations on spatial developments contributes to these direct links between the European tier and the regional tier in this policy arena. In the context of European policy-making, these policy arenas that cover various government tiers, as well as

private parties or social organisations that are active on these tiers, are particularly interesting for analysis. A policy arena around European spatial development issues can also exist on a single tier as a transnational policy arena comprising representatives from the national tier and the European tier (see Figure 4.2, Illustration B). The ascend of the infrastructure issue in European policy-making indicates that national infrastructure planning has somehow opened up. We can expect to find that the appealing spatial concept of trans-European networks contributes to the enlargement of the scope of national infrastructural planning, which makes way for the establishment of a transnational policy arena around the issue of European infrastructure networks. This allows new parties who are becoming active in infrastructural issues at the European tier to participate in joint policy-making. Nature conservation policy is also an example of a policy that has previously concentrated on traditional government institutions and private organisations at national, regional and local level. In the process of gathering and disseminating knowledge and data on key ecological resources, we can expect to find the establishment of a policy arena around the realisation of Natura 2000 that covers the entire spectrum from the European tier to the local tier in the context of European policy-making and international treaties (see Figure 4.3, Illustration C). In situations where there is a policy arena around an existing, locally vested spatial perspective which has been established in the context of the member states' policy system, we expect to find direct links with the European tier for the realisation of policy aims, such as in the example of agri-environmental measures for changing agricultural practice. Creating these links with a view to this existing spatial perspective merely contributes to the dynamics of such a locally vested policy arena without actually changing it (see Figure 4.4, Illustration D). These distinct ways in which a planning mechanism contributes to the establishment of a policy arena are not necessarily typical for the respective planning mechanisms being investigated in these cases. It cannot be concluded in the end, that e.g. an appealing spatial concept always makes for a transnational policy arena. The four cases need to show how a variety of policy arenas are established around European spatial development issues and how planning is used in the complex context of European policies and the various national policies and policy systems to help identify and address European spatial development issues.

The challenge when conducting the case studies is to make the right interpretations of what and who does and does not belong to a policy arena. Furthermore, there will often be more than one policy arena, or closely interlinked policy arenas that may be qualified as sub-arenas within the context of one larger policy arena. The focus on the extent to which actors participate in interactions around the spatial aspects of an issue allows us to make these interpretations.

The formal set-up of European policies is taken into account in our analysis, building on the overview we have made so far. Any analysis of parts of European Union policies must focus on the links between the relevant provisions in the Treaty in which certain EU tasks are allocated, and subsequent legislation, such as relevant regulations, directives and decisions. The formal coherence between elements of

European policies, as presented in block schemes in chapter one, enable us to find the formal interlinks between European and national policies on spatial development. The European method of organising policies allows wide variation in the scope of the issues, the national policy domains and the European involvement within the member states. Secondary literature is used for understanding the process of European integration and related developments in the member states.

In all cases, key players in the interactions around the relevant European spatial development issue were interviewed. The selection of interviewees was undertaken with a view to fully covering the variation and range of the composition of a policy arena. In all cases, this encompassed the full range of representatives from the European tier, i.e. from the European institutions, the pressure groups active at European level, the permanent representation of the member states to the European Union in Brussels, as well as a similar range of representatives of institutions at the government tier of the member states and the local or regional authorities. In this way, a full variety of public actors from (inter-)national to local level is covered, as well as from social organisations pressure groups, and individual stakeholders.

An open interview technique suits the explorative nature of our investigation. By using open interviews, we remained open-minded for new links, for unexpected contributions and for other parties involved. Keeping an open eye on the variation in the definition of European spatial development issues while undertaking the research allowed for a re-definition in the context of the case, which, in turn, could lead to new interviewees. Even so, a fixed pattern of questioning was followed as it was essential in this explorative approach to build up a complete picture of the background of the interviewee (see Appendix 4). This included the professional expertise of the interviewee and of colleagues and the knowledge base and information they can call upon. This contributes to understanding their perception of the spatial development issue at stake. Their position in their organisation and the incentives for and history of involvement in the issue at stake will also contribute to our understanding. On this basis, we can determine the rationality, the knowledge, and the perceptions of each participant in the interaction.

As this explorative and open approach will deepen the initial overview of the relevant context of our search, we will be able to find four typical policy arenas around European spatial development issues: four stories of how planning contributes to European integration, four loci of European integration.



## **Part II**

### **Four policy arenas around European spatial development issues**



# Chapter 5

## European structural funds

### Negotiating spatial development in regional partnership

#### 5.1 Introduction

This chapter analyses the efforts to realise the structural improvement of the North-East of England within the contours of European regional policy. The North-East is typical of the regions that European regional policy sought to address. It is one of Europe's classic traditional industrial regions with persistent problems in adapting to changing economic circumstances, also the creation of the single European market. The North-East, in a sense, has a tradition of regional development projects involving various forms of public-private participation within the framework of both English and European regional policy. The revised procedures for the European structural funds after 1993 essentially created situations of negotiation on European subsidies. The case of European structural funding in the North-East is addressed by analysing how a policy arena was established around the structural improvement of the region through the negotiating situations which were created for the allocation of the European subsidies.

This chapter analyses the contribution that the negotiations for the European structural funds made to the establishment of a policy arena around the structural improvement of the North-East. Despite its chronic economic problems, the North-East of England had achieved notable successes in previous periods as a result of continuous efforts to improve the economic situation. These led to perspectives on the development of the region, which focused on maximising inward investment, creating a modernist spatial planning tradition and favouring property-led development. The preparation of a programme for the European structural funds called for new approaches which identified spatial developments with a view to the structural improvement of the North-East. This is analysed below, in section 5.2, in its proper national and regional context. In a case like this, the regional partnership that was set up was obligatory under the procedures for the European structural funds and formed an obvious basis for the reconstruction of a policy arena. In the following section (5.3) the set-up of the regional partnership is analysed in order to show how it served as a policy arena around the structural development of the North-East. This analysis will focus particularly on the diversity of actors who gained access to this policy arena, as well as on its multi-level set-up in terms of the involvement of central government and the European Commission. In section 5.4 the analysis focuses on how this policy arena was actually established in negotiations on spatial developments. In the context of the period 1988-1999, the case study concentrates on the negotiations on the preparation of the 1997-1999 programme for European structural funds. These were essentially a series of negotiations in the regional

partnership as well as on the development of certain sites for the construction of business parks. The analysis focuses on three of the strategic development areas.

## **5.2 The North-East as a typical old industrial region**

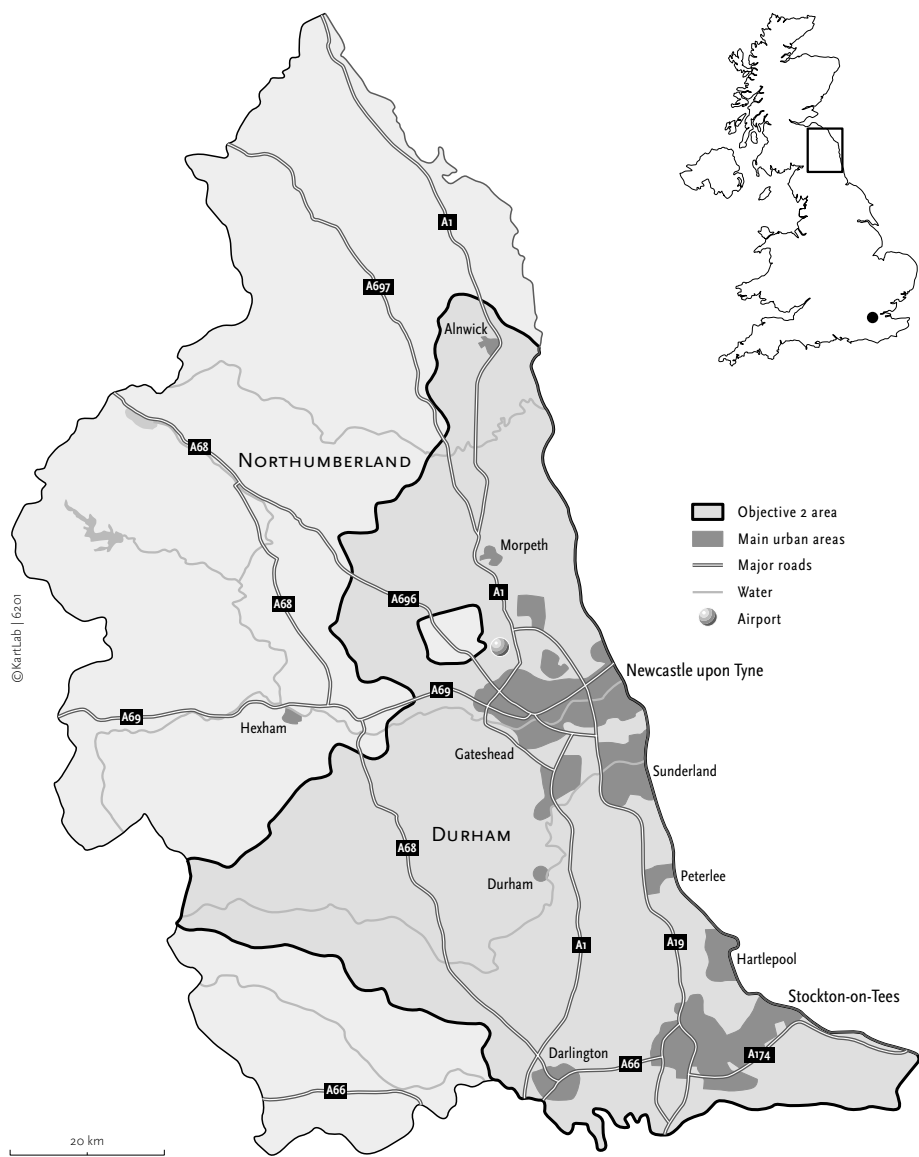
A region with the typical problems of a traditional industrial region is often economically underdeveloped. According to the criteria for the European structural funds, such a region is in need of structural improvement when it has a GDP per capita which is well below the European average. Although not in the category of Europe's poorest regions, the North-East constitutes a clear case<sup>84</sup> for action, given the social and economic cohesion cited in European regional policy as a precondition for sustainable growth (CEC, 1993; CEC, 1997). The rural part of the North-East had been eligible for the rural development aims of the European structural funds, ever since these had been introduced as objective 5b in 1988. The urban part of the region, with some 2.6 million inhabitants, was eligible for objective 2 of the European structural funds. The latter case will be analysed here. In the north of the region this related to the cities around the River Tyne, i.e. Newcastle-upon-Tyne, North Shields and Tynemouth, and, on the opposite south bank, Gateshead and South Shields. Along the River Wear, the cities in question were Durham, Washington, and Sunderland. Further south down the coast were Seaham, Peterlee and Hartlepool and along the River Tees and its surroundings the cities of Darlington, Stockton-on-Tees, Middlesbrough, and Cleveland.

The urban areas in the North-East are concentrated along the Rivers Tyne, Wear and Tees. Around them lies a large rural region with villages sprawled throughout the countryside near one of the hundreds of former collieries that once flourished and brought wealth and work to the region. The heyday of the North-East of England lasted from the "mid-nineteenth century until the end of the post-war boom in the early 1920s" when coalmining was fertile ground for the steel industry, heavy engineering, shipyards and railways (Robinson, 1992, pp. 87-96). Since then, the region has known successive depressions and revivals, but with a general downward trend due to the disappearance of heavy industry and coalmining. By around 1985, at the depth of economic misery, all the remaining collieries had been closed and the shipbuilding had almost completely disappeared. In the large rural County Durham alone, there were 83 coalmines in 1951, which employed 74,000 people. Similarly, the cities near the three rivers in the region had seen the almost complete demise of their traditional steel industry, heavy engineering and shipbuilding, which had prospered for a century and a half on the basis of nearby coalmining.

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84 In the early 1990s, the GDP per capita of the North-East was 80% of the EU average. The least developed regions qualified for objective 1 of the European structural funds when the GDP per capita lay below 75% of the EU average. Regions qualified for objective 2 (and the rural regions for objective 5b) when their GDP per capita lay below the EU average, as in the case of the North-East of England. The North-East was also eligible for the RECHAR and RESIDER programmes for the transition of coal and steel industry to a new industrial base.





**Map 1-** North-East of England: area eligible for European structural funds (objective 2)

The social consequences of the economic decline in the old industries were particularly grave. Unemployment figures in the region remained high during the 1990s, averaging at around 12 or 14 % in the worst affected parts. But in some parts of the cities and villages, where industry and mining had been located, these figures could locally be as high as 17% or 20%. There were even specific neighbourhoods in the cities where hardly any of the males had work and where families had a history

of long-term unemployment spanning three generations. These were the so-called 'pockets of deprivation'. Employment was low compared with the United Kingdom and European average, but the problems of the region were also reflected in the levels of education and health, and even the mortality rates. Many of the youth were in training schemes because they had dropped out of school. On average, the standard of living in the region was improving, but mostly for those with a job. There was a chronic uneven distribution of welfare within the region itself, which was represented not only by variations in income but also by indicators such as house prices (Robinson, 1992, pp. 89-91). Hence, the structural problems were strongly concentrated in certain parts of the region.

*Strategies for the North-East: promoting inward investment*

The North-East of England has built up a tradition of joint efforts for developing new ideas and initiatives to bring about a social and economic transition. Various programmes and agencies were established, disbanded and re-invented to guide all sorts of initiatives for creating new employment: "From the 1930s up to the present day the region has always had some form of development agency promoting the special features of the area to outside firms" (Shaw, 1993, p. 251). Three underlying regional strategies can be identified in a wide range of somewhat fragmented regional initiatives and national policies: the promotion of inward investment, entrepreneurship and urban re-development.

The strategy that seemed to be working particularly well for the region with the support of the various actors was the promotion of inward investment. For a long time, people had believed that the key to large-scale job creation was to attract companies that were willing to invest in new production plants in the region. This inward investment involved attracting investment from outside the region, which in the case of the North-East, also included a fair number of foreign companies that chose to set up their European or British production site in the region. These newly established branches, mostly of British and American firms, even brought a period of relative prosperity in the 1960s and '70s. The combination of this inward investment strategy and a strong regional policy in the 1960s drew various manufacturing industries into the region and initially provided jobs to replace those that were lost in the slowly declining steel, heavy engineering and shipbuilding industry (Robinson, 1992, p. 88). British regional policy had contributed strongly to economic restructuring, also by heavily subsidising inward investment. However, reforms to the British subsidy system in 1984 cut subsidy levels from a massive £180 million a year in the early 1980s to £80 million a year in the late 1980s. Though its funding had been reduced, the Regional Selective Assistance was specifically aimed at "pro-active image builders and business confidence boosters" (Shaw, 1993, pp. 480-482). This led to another period of success thanks to the inward investment strategy during the 1980-90s, when there was large-scale investment in production plants by Japanese companies in particular.

With factories downsized or closing again by the end of the 1990s, the Japanese plants proved just as unreliable a source of employment as manufacturing had been.

Although the trend was less grave this time, it echoed the enormous job-losses in manufacturing at the end of the 1970s, when the economic crisis led to closures of British and foreign factories. The “branch plant economy is vulnerable to company restructuring”, which not only comes in times of economic recession but also with changes in production methods that lead to “job-displacing capital investment” (Robinson, 1992, p. 88).

The Nissan factory in Sunderland, in particular, raised high hopes of a transformation to the organisation of production, management and the workforce (Shaw, 1993). With the ‘just-in-time’ production principle, many other companies were expected to profit in the supplier chain to the new plant. Furthermore, the modern management techniques in the Nissan factory and other Japanese firms were expected to have a positive influence on changing the workforce in the region. Although the plant provided 3,500 jobs, additional transformational effects on the region were less than expected. Suppliers from all over Britain and abroad appeared to be enough ‘in time’ and the jobs required fewer skills than anticipated: “Though the plant is more than a final assembly-only operation, its functional and skill complexity does not stretch into the realm of fostering new state-of-the-art multiskilling” (Shaw, 1993, p. 481).

To some, the inward investment strategy ignored the indigenous potential for modernisation. Although coalmining was obviously a dead-end street, existing engineering industries could have been promoted as cores for developing industrial clusters (Tomaney, 1994). The idea behind industrial clusters is that what provides a region with a competitive edge by fostering the emergence of a close-knit network of companies within one industrial sector. In the North-East, the maritime sector was suggested as such a cluster<sup>85</sup>. Companies in clusters can undertake more activities in training and research and development than companies in the mixture of sectors resulting from an inward investment strategy. But the aversion to existing industries in the North-East was so strong that private initiatives for reviving and modernising the shipbuilding industry were rejected in favour of building new offices on the site.

This was the result of an alternative strategy that had developed, namely, to move away from these sectors in favour of a modern service economy. Branch plants brought much needed employment at short notice to the region, but mostly in manufacturing and industry, such as the assembly of cars, cranes and computers. Hence, training schemes for the youth and unemployed also focused strongly on basic skills. In the 1980s, the creation of an entrepreneurial culture and a leisure economy was favoured. Training and facilities for business start-up were needed to help create a service sector; but the preferred initiatives were building offices and a shopping mall.

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85 Swan Hunter shipyards, for example, was one of the two only remaining shipyards in Newcastle, out of almost 200. It was bought by foreign businessmen just before the public sale of its equipment. The shipyard initially managed to employ just a few hundred people with maintenance work for the offshore industry. Later it employed a workforce of some 3,000 in the late 1990s for shipbuilding for the British Navy, based mostly on foreign technology and ship design.

The strategies for regional economic, social and spatial development were the result of strong central government involvement in local and regional policy-making and strong local coalitions. Traditionally, the North-East had been governed by what was referred to as the 'Labour politics machine' (Shaw, 1993, p. 254). This was the corporatist coalition of the Labour party and unions, local capital and professional politicians who lobbied for the modernisation of the region. The power of the unions declined during Thatcher's Conservative government and with the establishment of a range of development agencies within the national policy for regional development. Nonetheless, a similar group of local leaders still played a leading role. The Training and Enterprise Councils, the Tyne and Wear Development Corporation, the Northern Development Company and local initiatives like the Newcastle Initiative had the same persons as directors on their boards, although participation by private parties was increasing (Shaw, 1993, pp. 252-253). Local authorities and local councillors, obviously mostly from the Labour party, still played a key role in this rather fragmented field, but needed to join more in partnership constructions and in negotiations.

All the strategies for social and economic development, in effect, had a strong spatial and physical development focus, which was also part of the regional, political modernisation ideal. The strategy for promoting inward investment required a stock of adequate sites for potential investors, which would induce a supply-side approach to development. The budget in the Regional Selective Assistance, the Enterprise Zones, and investments in the Urban Development Corporation areas was preferably geared to high-profile projects and companies (Amin, 1991). The promotion of an entrepreneurial culture may at first sight have been less directly linked to spatial development, but even this strategy was strongly supported by property-led development and urban re-generation with projects for the service sector and for consumer-led approaches and leisure activities. These developments actively denied opportunities for a revival of industrial activity, in favour of new businesses.

*From modernist planning ideals to property-led development*

Spatial planning in the North-East of England had been closely connected with the all-embracing ambition for economic development. Re-industrialisation through inward investment on the one hand and the aim to re-orientate the economy to the service sector in the 1960s and 1970s on the other were closely linked to the physical restructuring of the cities and the region. A modern service economy was strongly pursued by modernist planning ideals which were practised in urban development policies during the 1960s and 1970s. Private developers and local authorities jointly initiated the development of the service sector with city-centre restructuring as exemplified by the Eldon Square shopping mall in Newcastle. Housing projects in new towns and new industrial estates enlarged the urban conurbation around the cities in the region. In later stages, a strict green-belt policy was instituted to direct new businesses to the former industrial riverside sites. Improvement of nearby working class neighbourhoods was undertaken on the basis

of similar beliefs in planning and modernisation and the realisation of a 'modern vision of the civilised *social city*' (Healey, 1994, pp. 182-184). According to Healey, this coherence between regional spatial policy and regional economic policy came to an end in the early 1980s. Healey shows that spatial policy in the North-East was closely connected to property development. Large firms "shifted their attention to the possibility of treating their land as an investment asset rather than for its value in use" (Healey, 1994, p. 185). Due to central government policy, urban policy in the North-East became dominated by financial institutions from the centre, i.e. London and was thus influenced by the boom-bust cycle of the property market in the United Kingdom. Both local planning policy and the English regional development policy accorded a dominant role to private financial investors from outside the region. With the regional economy once again in recession in the 1980s the property market and the interest of property developers from outside the region declined. Local developers were not able to initiate projects, although some occupied strategic positions in derelict industrial sites from which they could only profit later, after the emergence of a physical development approach.

A series of initiatives later in the 1980s sought to revive economic development through physical development. The designation of Enterprise Zones bordering the urban areas provided openings for new industrial or business sites and obviously supported the inward investment strategy. The traditional industrial area was a relatively narrow strip of docklands over a length of tens of kilometres near city centres and old residential areas along the Rivers Tyne, Wear and Tees. This was designated as one vast area for redevelopment by an Urban Development Corporation. These zones were the main focus of the diverse schemes that "provided various forms of subsidy, as grants to particular projects, as tax redemption, or through general facilitation in organising development and in funding end users and investors" (Healey, 1994, p. 187.) Companies that settled in an Enterprise Zone were exempt from taxes for ten years. Property development and the re-structuring of the old industrial areas were accompanied by renewed aspirations towards a service economy. A consumer-led and leisure economy was expected to boost economic development during the 1980s. The icon of this property-led development in the North-East region was the office and housing development of Newcastle's Quayside, marinas on the Tyne and Hartlepool's docklands and an out-of-town shopping mall and leisure centre, the MetroCentre. The latter was developed by a former mining engineer who became a private developer and demonstrated to some the emergence of new entrepreneurship in the region.

The instruments for regional development promoted property-led development for economic regeneration, which was then expected to pave the way for social and economic improvement. This approach was criticised because although "in these derelict areas of the North there is little to displace or gentrify and few 'yuppies' but, even so, these developments are clearly not aimed at the unemployed, the poor or, more generally, the 'working class'" (Robinson, 1992, p. 92). Criticism like this acknowledged the successes of Enterprise Zones and the like in terms of the environmental effects of the rehabilitation of derelict industrial sites. But some

people frowned on the indiscriminate provision of sites and financial instruments to companies, as it placed jobs beyond the reach of those who needed them most. The property-led development was paralleled by fragmentation in the public realm, which impeded the making of strategic choices: "...the institutional fragmentation of the public sector, with local authorities in uneasy alliance with the UDC, has made strategic co-ordination difficult" (Healey, 1994, p. 194). Whereas spatial planning and English economic development schemes did not succeed in addressing the region as a whole, the partnership approach and programme for the European structural funds made a first attempt in that direction in the 1990s.

*A regional partnership and programme: new strategy for the North-East?*

From the start of the European regional policy in 1975, the North-East of England had profited from European subsidies. Initially, this mainly concerned individual applications for projects which were handled by central government, notably the Department of Trade and Industry, or rather its regional office. After the 1988 reform of the European structural funds, a new regime was introduced for regions like the North-East, which required a programme to be drawn up and implemented by a regional partnership.

The regional partnership called on all the local authorities in the North-East to co-operate in drawing up programme funding. This was a closer co-operation than was customary in the context of English policies. Since the abolition of regions, the local authorities had been used to dealing with central government on their own. In the North-East there were two types of local authority. The cities usually have a unitary local authority, whereas the counties have a two-tier local authority. The District Councils and Borough Councils within these counties are used to the County Council making the strategic choices. But at the level of the North-East as a region there was no such platform, apart from voluntary cooperation by the local authorities in the North of England Assembly. The only coordination of regional and economic development policies and planning guidance was provided by the Government Office for the North-East, the joint office of some of the central government ministries in the region. The formation of the Government Offices reflected similar views for a better co-ordination of English policies. In 1999, new Regional Development Agencies were established to take this development a step farther, particularly with regard to the implementation of European structural fund programmes. These were a new regional authority, which took over some of the tasks of the Government Office, the central government agency in the region. This was a development that emerged from a decade that matched the strong emphasis of the Commission on regional implementation of the structural funds.

The basic principles of regional accountability and concentration of funding in the European partnership approach contributed to changes in English policies. The partnership approach was copied by central government in the English urban and regional development policies, such as the Single Regeneration Budget (SRB). This led to a situation in regions such as the North-East in which several partnerships were in place alongside each other at the same time: partly overlapping partnerships

with similar aims, with the same actors participating in the different partnerships, and even with funding from overlapping partnerships going into the same projects. In practice, this did not need to be problematic as the SRB partnerships were on a smaller scale, mostly around a certain project or smaller area.

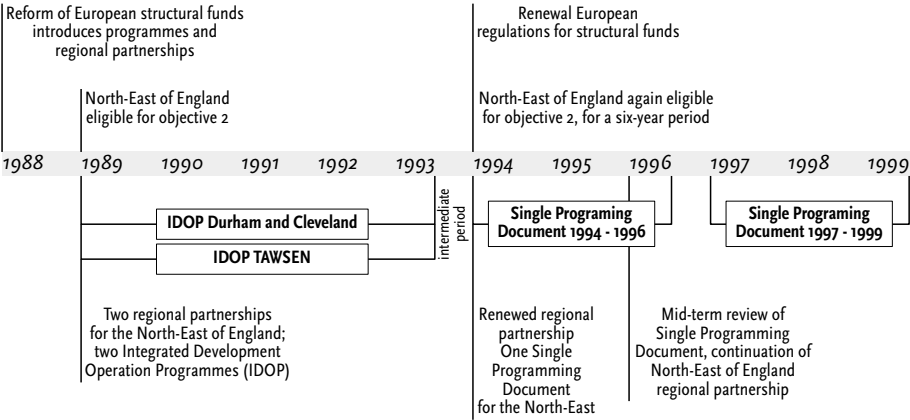
The procedures for granting European subsidies influenced the policy process in the region. With the obligatory set-up of a regional partnership, the procedures for the European structural funds explicitly created a policy arena around the structural improvement of the region. The procedures for the European structural funds created the preconditions for a direct link between European level and regional level. The European Commission had the opportunity for direct involvement in the region, dealing with the various regional representatives who were participating in the process of structural improvement. This involvement in structural improvement was further triggered by the necessity for a programme which laid down the broader framework at regional level. It was also secured by strict administrative procedures including the more detailed requirements that the projects had to meet in order to receive European subsidies. The programme for the European structural funds was the only development perspective that covered the whole of the urbanised area of the North-East region.

The North-East of England has a tradition of initiatives for structural improvements. European subsidies are part of this. The partnership and programming approach that came with the European structural funds contributed in its own right to this practice. In an 'objective 2 region' like the North-East of England, which was eligible for a sizeable share of the European structural funds, the relative contribution of European subsidies was such that it had a significant influence on the structural development of the region. The distribution of such public expenditure is closely connected to negotiating development and generating private investment for certain public aims. The rise of collaborative planning approaches in Europe is reflected in the partnership approach for the European structural funds, in which negotiations between the various parties bring about structural change and spatial developments.

The requirement to draw up a regional funding programme is a second mechanism that contributed to determining the spatial issues that needed to be addressed and the strategic spatial choices that were made. A third important mechanism in the allocation of investment from the European structural funds was the requirement to co-fund the subsidies, and other detailed criteria that needed to be met. Requirements and criteria triggered further negotiations between local authorities, the initiators of projects and the regional partnership as a whole.

#### *Changing perception of the region's needs?*

The programmes for the European structural funds for the North-East of England reflect a changing approach towards the economic development of the region. The North-East remained eligible for the European structural funds for the period 1994-1999. A sequence of European funding programmes was thus continued, even more so by splitting this period in two (see Figure 5.1). The initial idea was that this would



**Figure 5.1** - Development of regime for European structural fund programme and the sequence of programmes in the North\_East

allow a reconsideration of the need for support from the structural funds to the regions in Europe, but such a mid-term review proved politically unviable. Besides that, the renewal of the eligible status of the North-East could safely be expected anyway, simply because the region continued to meet the criteria of the indicators for underdevelopment. But the renewal of the designation of the North-East prompted a round of negotiations between central government and the Commission and led to a mid-term review of the programme. Splitting the programming period into two equal parts provided an opportunity to reconsider the priorities in the Single Programming Document.

The programmatic approach for European structural funding in the North-East of England during the 1988-1993 period actually resulted in two separate programmes, or so-called ‘Integrated Development Operation Programmes’: one for the Durham and Cleveland area and one for TAWSEN (the acronym for Tyne And Wear/South-East Northumberland). The preparation of these programmes was carried out mainly by the Commission and central government in consultation with the two sub-regions. The provisions in these programmes for an integrated approach mainly concerned two types of projects: one for infrastructural and physical development projects funded by the ERDF, and one for training and education projects funded by the ESF. The two programmes were formally managed by one partnership for the North-East, but with an obvious emphasis on two different strands of funding for the sub-regions.

The prospect of a real regional strategy came closer in the 1993-1999 programming period. The funding programme for the first three-year period (1994-1996) was the first programme to lay down a strategy for structural development that covered the whole of the urban area of the North-East. For 1997-1999 a second programme, a so-called Single Programming Document, needed to be prepared in which choices again needed to be made for the region as a whole. In fact, the regional



partnership for the European structural funds offered the only platform at regional level for such strategic choices. In principle, all the relevant parties in the region had access to European funding and submitted their ideas, plans, studies and projects for the structural development of the region. In the regional partnership these diverse parties were confronted with each other's ideas and desires and were challenged to develop a joint perception of the region's needs for structural improvement in a more or less comprehensive context, i.e. the Single Programming Document.

Determining priorities for the structural development of the region was actually achieved in two stages: first, the preparation stage of the programme, and second the stage of allocating the actual subsidies to projects, which formed the core of the decision-making process on European funding. A wide range of issues was addressed in the Single Programming Documents, covering a broad perspective of social and economic issues, such as training, education and small-business development. The European regional policy as well as its programme and regional partnership are analysed here with particular interest in its approach to the structural improvement of the region as a spatial development issue. The central concern will be the strategic territorial focus through the allocation of structural fund investments in the negotiations on the programme and on project subsidies.

*Priorities for spatial development in the North-East*

In the 1994-96 Single Programming Document five priorities were formulated for the selection of projects for funding (see Box 5.1). Priority 1 was clearly meant to make European funding available to develop sites for inward investment: "necessary public investment that is required to pave the way for major private-sector job-creating investments" (Partnership, 1994, p. 46). The Single Programming Document set out criteria for the type of projects which were eligible for funding, such as land improvement and reclamation, external transport links, environmental work on sites, but it did not designate specific areas, as it was difficult for the local authorities participating in the programme preparations to make such a selection.

Inward investment remained a key-word for the economic development of the region in the first half of the 1990s. Also, in the context of the programmes for

SPD '94 – '96	SPD '97 – '99
Strategic business development and inward investment	Small business start-up, small and medium-sized enterprise growth and development
Small and medium-sized enterprise and local business development	Technology and the environment
Development of knowledge-based industries	Strategic regional developments
Development of the cultural and tourism industries	Community economic development (CED)
Community economic development (CED)	

**Box 5.1** - *Priorities in Single Programming Document's for the North-East*

European funding, it promoted a successful strategy that served the region well, with many opportunities for projects that could absorb a large amount of European as well as national funding. The sites that were made available were often so-called 'greenfield' developments: new industrial areas on agricultural land with new infrastructural links to motorways and the airport, offering an economically attractive environment for any company at short notice. This is reflected in the 1994-96 Single Programming Document, which leans heavily on the inward investment strategy. The introduction recounts the then recent success of a Samsung factory which provided 3,000 jobs and predicts a further 40,000 jobs from inward investment in the near future even in the eventuality of modest economic prospects (Partnership, 1994, p. 10). Despite efforts to strengthen the comprehensive regional scope of the programmes for the European structural funds, the SPD was still seen as the sum total of local desires suitable for the realisation of existing project ideas and anticipating new investments by foreign companies.

Obviously, the advantage of promoting inward investment for the region lay in the many jobs generated by large single investments. To many parties, notably the local authorities, the region sought to maintain at least some possibility of supporting inward investment. But there was a shift in emphasis towards the effects of new management philosophies and practices which were expected from new companies. The focus shifted from simply providing sites to a set of possibilities in the Single Programming Document for projects that promoted the type of inward investment that would bring a larger range of developments<sup>86</sup>. Supplier chain development and gateway and network facilities were needed in order to strengthen the effects of the establishment of corporate branches in the North-East. When the time came to draw up the 1997-99 Single Programming Document, there were again some experiences in the region that highlighted the downside of the inward investment strategy. Despite extensive regional efforts, a few companies decided at the last moment against setting up business in the North-East<sup>87</sup>. Some of these foot-loose projects closed down, leaving the region with job losses and no spin-off.

The relevance of the priorities in the Single Programming Document to spatial developments in the region was considerable, given the level of investment in physical development. The contribution of European funding to direct spatial development was largely the result of the ERDF share in European funding, which amounted to 282 million ecus in the '1997-99 programme<sup>88</sup>. This investment was allocated to three parts of the Single Programming Document: the provision of

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86 The much-quoted example is the Nissan production site, that needed to be served by a large supply-side chain of existing and new companies in the region

87 The possible arrival of large Siemens and Fujitsu production sites held the region firmly in its grip at that time.

88 Next to this ERDF (European Regional Development Fund), an ESF (European Social Fund) contribution made for another 96 million ecus. The total investment foreseen in the 1997-99 Single Programming Document amounted to 973 million ecus, with 455 million in United Kingdom public funding and 150 million in private funding.

facilities for small and medium-sized enterprise, the provision of business premises and environmental and physical improvement for the bottom-up 'Community Economic Development' part of the programme, and the measure for strategic regional development. The latter accounted for the single largest part of the total European contribution. Taken together, the allocation of all the ERDF funding for physical interventions – the European contribution that possibly directed spatial development in the region – amounted to 184 million ecus. This is a substantial investment with the potential to radically change existing preferences and priorities within the context of the European procedures, and with a leverage of further British public funds of 234 million ecus and 83 million ecus in private investment. This adds up to a total of 498 million ecus for physical development.

Altogether this makes for a substantial investment. Yet, the figures that sum up European, British and private investment in the North-East do not imply much of the actual prioritisation for these investments that directs spatial development. This was addressed with particular interest in priority 1 and later priority 3 in the consecutive Single Programming Documents, which cover large-scale investment and the strategic regional development respectively in which most of the available funding was allocated to physical development. Funding for these strategic development areas was not available for single projects, but only for a package of projects which needed to be brought together in a coherent approach. The process of selecting the areas for strategic regional development and compiling packages for these areas and bringing together the projects clearly revealed the mechanisms of the procedures around European funding and showed how the regional partnership directed spatial development. Various factors will surface in this analysis, such as the brownfield development rate, the aim for a direct link between the classic 'capital investment' and 'revenue investment', as reflected in the numbers of people participating in training and the number of jobs actually created. This analysis concentrates on the period 1993-99 with a particular interest in changes in spatial development preferences that relate to changes of priority 1 to priority 3 in the mid-term review of the Single Programming Document. Before analysing the negotiations around these priorities and strategic development areas, the composition of the regional partnership will be analysed.

### **5.3 Regional partnership for the North-East of England**

With the creation of one regional partnership for the 1994-99 period of the European structural funds, it appears that one policy arena is established in a series of mutually-linked negotiations on subsidies for the structural improvement of the region. This regional partnership included or linked up with various smaller partnerships for other strands of British subsidies. The set-up of the regional partnership is analysed in this section in order to shed light on the involvement of the various regional partners, and especially the direct involvement of central government and the European Commission. The analysis will further focus on how

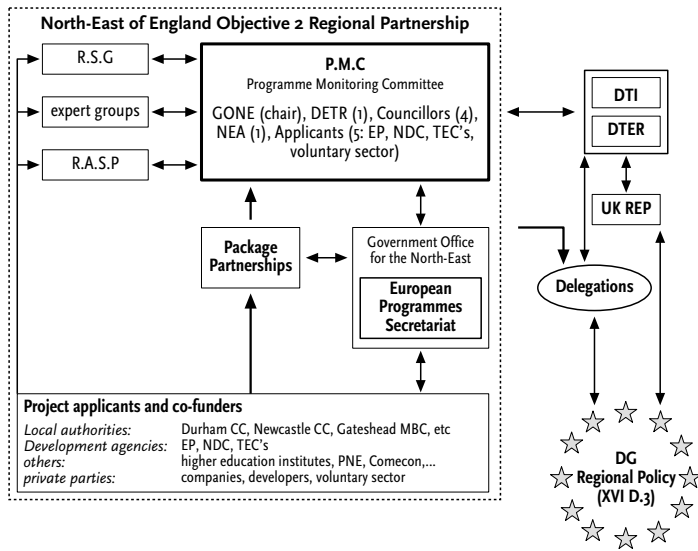
the various parties were involved in setting priorities for spatial development and were thus able to contribute to the selection of strategic development sites.

The regional partnerships were established according to the procedural requirements for European funding, which left the exact set-up to the discretion of the member state. In the North-East of England, the regional partnership built further on the programme structure of the previous rounds of European funding. The procedural requirements for the regional partnership provided for a three-way involvement of parties: firstly, the European Commission; secondly, public representatives from the member states' central government as well as regional authorities; and lastly, relevant social organisations and private parties.

The big players from the English public domain in the regional partnership were the local authorities and the Government Office for the North-East, which is the central government representation in the region. The Training and Enterprise Councils, a broad representation of various parties in the region itself, were a big player in the social and training elements of the programme together with vocational colleges and institutes of higher education (there none less than 6 universities in the region). In the physical development parts of the programme, the big players were public development agencies, such as English Partnerships, together with private developers. Furthermore, there were various local and small-scale organisations that followed bottom-up approaches in various physical development or training projects. All these parties were involved in the regional partnership for one or more projects. This broad basis was reflected in the diverse formal structures of the regional partnership: the programme monitoring committee as the executive body of the partnership, the various ad-hoc or structural working parties, and the European programmes secretariat as the administrative body of the regional partnership.

#### *Formal structure of the regional partnership in the 1993-99 funding period*

The basis of the regional partnership were all the parties who were somehow involved in one or more projects for which European funding was being sought. For the physical development priorities of the Single Programming Documents, in particular, the first group of actors was formed by a package partnership. Using the experience of local partnerships in the previous funding period, the parties jointly compiled project packages for a strategic development site. For the whole of the North-East this meant that there were many of these local or package partnerships for the different types of project according to the different priorities in the Single Programming Document. Often, one organisation or agency had a series of projects, and participated in more than one of the smaller partnerships. All the parties in these smaller partnerships made up the regional partnership as a whole. Meetings for the whole of the regional partnership were held only a few times during the programme period, notably, when the programme was drawn up and when the main priorities needed to be settled. These were mass meetings attended by over a hundred representatives of the various parties. The regional partnership as a whole had a say in drafting the Single Programming Document, the structural set-up of the regional partnership and the rules of decision-making and project



**Figure 5.2** - Networks of actors around structural fund programme for objective 2 in the North-East of England

selection, but the actual decisions were taken by the Programme Monitoring Committee.

The Programme Monitoring Committee met a few times a year depending on the issues. The various regional parties were represented in this committee; central government was also directly represented. Central government continued to be involved in the allocation of European structural funds to the North-East, although less in than in the previous funding period in which the programme priorities were partly determined in London. A more influential position in the partnership structure was occupied by the Government Office, the central government representation in the region. The regional director of the Government Office was the Chairperson of the Programme Monitoring Committee. Furthermore, all the administrative work was done by the European programme secretariat, which was part of the Government Office. The Government Office was the 'accountable body', which meant that it took care of the actual payments and was held accountable for this by the Commission<sup>89</sup>.

The Government Office was not solely responsible for the day-to-day decision-making. Three types of working groups prepared the meetings of the Programme Monitoring Committee (see Figure 5.2). When the Single Programming Document

89 Initially the Government Office was the accountable body for the ERDF. For ESF payments, the Department of Trade and Industry within central government was the accountable body. This meant that the Government Office needed to transfer all applications to London, after which the payments could be made to the applicants. This responsibility was transferred to the Government Office during the 1993-1999 programming period.

was put together, the ideas for projects and the prioritisation of measures needed to be gathered from the whole of the regional partnership. In order to compile a coherent programme the Programme Monitoring Committee needed support for a more strategic view. For the preparation of the 1994-96 Single Programming Document the local authorities were asked to take the initiative in the North of England Assembly. Later, the Regional Steering Group was established as an additional working group with a view to the preparation of the 1997-99 Single Programming Document. This mixed group consisted of some 10 or 12 representatives from the Government Office, private parties, higher education institutes, the Northern Development Company, the Urban Development Corporations, and local authorities. Ad-hoc expert groups and the committee for assessment of the projects (the RASP) had a similar set-up. The expert groups were set up whenever the Programme Monitoring Committee felt that certain issues needed to be sorted out by the regional partners before being presented for decision-making in the partnership. The RASP was a working party that assessed each of the proposed elements of the Single Programming Document, but more importantly, it evaluated all the final applications for the funding of each single project before the decision was taken in the Programme Monitoring Committee. The European Programmes Secretariat took care of the administrative preparations, sent them to the RASP, and after they had been returned, prepared the Programme Monitoring Committee.

The Commission was part of the regional partnership in that representatives of General Directorate XVI for the regions participated in the large regional partnership meetings. The Commission did not have a seat on the Programme Monitoring Committee but could, in practice, invite itself at any time. During the negotiations with the Commission on a new Single Programming Document, ad-hoc delegations were assembled by the regional partnership. All these groups, committees and delegations were open to all the parties who, in practice, took turns in participating in them. Below, the contribution of each of the parties to the partnership and its processes is analysed for the 1993-1999 programming period.

#### *European Commission involvement in the regional partnership*

The first issue the Commission needed to tackle was the installation of a regional partnership. In a region like the North-East of England this is not a big deal. The region has a tradition of European funding with gradual adjustment to the accompanying ever-changing procedures. Furthermore, there is a tradition of co-operation between various parties in the region, despite the absence of a regional authority or tier of government. Local governments, government agencies and private parties in the North-East of England all seem to be strongly focused on participating in any subsidy scheme that comes along. The partnership approach fits well in this context.

The regional partnership for the North-East was wide and accessible; representatives from the voluntary sector and private actors were taken seriously. In contrast with the previous funding period, central government was prepared to trust

**Tasks of the European Commission**

Designation of eligible regions  
 Providing guidance for programme development  
 Programme negotiations with region and member state  
 Attending Programme Monitoring Committee  
 Initiating evaluations

**Box 5.2 - Contribution of the Commission to the implementation of programmes for structural funds**

the ability of the region to take the lead in decision-making on European funding. This was the result of tough negotiations between central government and the Commission on two issues: top-slicing the total share in the European structural funds for the United Kingdom in favour of a national policy scheme, and the central government influence in the regional partnerships. As a result, the allocation of European funding through a funding scheme of the Department of Trade and Industry was stopped. Furthermore, the Commission's insistence that local councillors be represented in the regional partnership increased the political significance of the partnership in the region. The downside of an accessible and broad regional partnership in which local authorities are represented was that, as there was no regional government, there was also no regional focal point. This could lead to a lack of direction. The answer was sought by the Commission in offering guidance at certain stages.

The regulations for the structural funds sets out rather abstract procedural requirements for drawing up a Single Programming Document and the type of projects that are eligible for structural funds. The Commission had produced a guidance document for the day-to-day practice of setting up the regional programmes, dealing with project applications and committing and paying the actual subsidies. The document was distributed widely to central governments and regional partnerships, but as it was intended for all eligible regions in Europe, it expressed a rather general view on how the Commission thought things should work in the regional partnership. This meant that Commission officials continually needed to attend meetings to further explain the procedures and priorities for the current programme period. Over the years, the Commission assumed an active and distinguished role in the European policy for the structural improvement of regions. Commission officials were directly involved in the regional processes of preparing and implementing programmes for the European structural funds.

*European Commission views on regional development*

The European regional policy provides the Commission with a general framework for steering the regional programmes for the structural funds. The aim is to provide for an equitable allocation of the European structural funds, both geographically and across various sectors and groups in a region. The general views of the European

regional policy leaves much to the discretion of the individual 'geographical units' within General Directorate XVI for regional policy, which each deal with one or a few member states. The desk officers in these units need to tailor the general policy notions to an adequate guidance that deals with the specific circumstances in a region. Two main notions for this are cohesion and sustainable development. The notion of cohesion, as such, underpins the European regional policy and structural funds, but it is also translated rather practically to the regional scale in terms of an equal distribution of European funding over a region as a whole. The notion of sustainable development is translated in terms of promoting environmentally-friendly alternatives and techniques.

The main thrust behind the Commission's guidance for cohesion in the North-East was to move away from the basic infrastructure investments towards a coherent set of projects that met the needs of the most deprived groups in the region. The emphasis was on investments that also contributed directly to the creation of new jobs which would support small- and medium-sized enterprise. The Commission's desk managers for the English programmes acknowledged that a need still existed in the North-East for some infrastructural development, and did not oppose the continuation of the inward investment strategy. But from a European perspective, the Commission's aim was to prevent European subsidies from being used by different regions in Europe to compete for the status of favoured location for the same foreign company. The aim of the Commission's interventions in this respect was to promote a Single Programming Document that called for projects which maximised the structural social and economic benefit of any inward investment from south-east Asian or other foreign companies. At the same time, the Commission supported a change in focus from large-scale projects for inward investment and such towards job-creation. The idea was that development on a slightly smaller scale would be advantageous for the most deprived parts of the region and the groups most affected by social exclusion and unemployment. This meant that the Commission also sought to promote the concentration of the investments in specific areas, i.e. those with economic development priority in the Single Programming Document.

The move away from large-scale investment in infrastructure was also motivated by the drive for sustainable development. The Commission wanted to promote business site projects which would provide more environmentally-friendly options; specifically, the clean-up and redevelopment of derelict industrial sites for business parks. The Commission pushed for measures in the Single Programming Document that promote the development of sites on widely available brownfields, instead of the development of greenfield sites.

The issue of the type of sites that would be developed was emphasised by Commission officials at the Programme Monitoring Committee meetings or regional partnership meetings. Though the Commission had a fairly good grasp of how things were progressing in the North-East, it is not in a position to know about the individual projects that arise in a new programming period in each individual region. Commission officials do not personally participate in consultations or in the



selection of specific projects within the region. The Commission may be aware of some of the high-profile projects, perhaps because in the previous period a feasibility study has been conducted with European funding. Therefore, rather than commenting on individual projects or sites for development, it focuses on the set-up of the Single Programming Document in the preparation phase.

Obviously, when compiling a new programme, each of the parties in the regional partnership wanted to secure its own share of the budget for European structural funds. This was especially noticeable among the big players during the preparation of the Single Programming Document. For example, the local authorities sought to maximise the possible benefits for their territory. The Commission was aware that for the final project applicants, the programme was just one of many funding opportunities. Any individual applicant would come forward in the end with an application for European funding. And once the 1994-96 programme had been approved, the regional partnership in the North-East would still have a more or less open bidding system. The Commission was thus eager for the regional partnership to draw up a programme that was formulated as openly as possible to allow scope for any projects that might come forward. On the other hand, it was also aware of the need for flexibility; if one idea or project failed to materialise, then another would have to be able to fit into the scope of the Single Programming Document. Despite the influential role of the Government Office, there was no real regional authority that was in a position to determine strategic priorities or make a final selection of projects. The Commission was aware of the need for someone to play this role, particularly in the United Kingdom, and increasingly promoted the Single Programming Document as a real strategy for the region.

#### *Central government between region and European Commission*

The European structural funds promote the establishment of regional partnerships as the means to generate the structural improvement of regions. Although the partnership approach does not entirely eclipse central government, it does limit central government involvement. Obviously, the main role for central government in the implementation of European regional development policy was to represent the United Kingdom – including its regions – in Brussels. Central government was primarily involved in the negotiations on the United Kingdom's share in the total budget for structural funds and on the eligibility of regions, in that order. Once that was established, it focused on the outline of the programmes and on the allocation of funding to the main priorities. In the negotiations in Brussels, central government was represented by the Department of Trade and Industry (DTI). In particular, when it came to the detailed set-up of programmes and the breakdown of the budget into measures and priorities, the assistance of the Department of the Environment, Transport and the Regions (DETR) was required in dealing with the Commission. The organisation of the domestic policy processes and the set-up of the ministries and their administrative organisation were strongly geared to the task of dealing with European funding. The DTI formally co-ordinated all structural fund programmes in the United Kingdom, namely, the regional programmes, the so-

called 'horizontal' programmes, as well as Community Initiatives<sup>90</sup>. For the regional programmes this was carried out together with the DETR.

Once the initial negotiations and the start-up of the programmes were over, it was more a matter of monitoring and reporting to Brussels on the progress of all the regional programmes in the United Kingdom. As far as the DTI was concerned, European structural funds were part of the economic policy in which the total amount of investments mattered. The DTI concentrated on the financial and administrative aspects: keeping abreast of the commitments, withdrawals and spending of the available budgets. The direct responsibility for keeping track of the progress, the preparation and implementation of the regional programmes and the links with spatial policy was left to the so-called territorial departments for Scotland, Wales and Northern Ireland, such as the Scottish Office, and the Government Offices in England. The latter were the regional representation of the DETR and the DTI. These regional offices had the expertise that was needed to understand and guide the processes in the regions.

Given the importance of the European structural funds for the United Kingdom, the British government made a serious effort to enlarge its share of Commission personnel with a 'fast track' special training programme. Apart from the fact that UK officials would make it easier to gain formal and informal access to Commission staff, it was considered important to provide the Commission with staff who had a general idea of how things worked in the member state. In the case of the programmes for objective 2 of the structural funds in the North-East of England, it was an English official from this training programme who operated as a 'desk officer'. The sections of General Directorate XVI for regional policy were now organised 'geographically', which meant that one section was responsible for all the programmes for the structural funds in the United Kingdom. Previously, one of the sections would have been responsible for the objective 2 programmes in all member states.

#### *Central government's involvement in allocation of structural funds*

The ministries responsible for the proper implementation of the European structural funds have concentrated the rather precise administrative expertise that is required in 'European Teams'. Besides the DTI, the Department of Transport is also heavily involved in European funding, as the largest share of European structural funding, notably ERDF money, used to be spent on infrastructure. Upon the merger of the Departments of Transport and the Environment into the new DETR, a newly created European Team co-ordinated European funding after 1997. As the section of the Department of Transport previously responsible for European funding was transferred there together with the employees from the Department of the Environment, this European Team now covered many of the relevant issues. It co-

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90 Specific programmes set-up exclusively by the Commission; for example, RECHAR and RESIDER for the re-development of former coalmining and steel industry areas respectively are also applied in the North-East of England.

ordinated contacts with other departments on any policy issues that needed to be raised or if parts of a programme needed ministerial consent.

The thrust of the work of the European Team was to maintain contact with the regional partnerships on the one hand, and the Commission on the other. When people started feeling that the Commission was too involved in a particular regional programme, or that it was playing the regions off against each other, then it was down to the

DETR to maintain a consistent line in structural fund programmes throughout England. In practice, the role of the European Team in the preparation of the structural fund programmes in the regions was fairly marginal. The DETR was represented in the Programme Monitoring Committees of all the regional partnerships in England, and attended the meetings as often as possible. The attention focused on the regions in which the processes ran into difficulties, either of regional nature or because the Commission thought things should be done differently. As no problems were brought to the attention of the DETR with regard to the North-East, and things seemed to be going well there, the DETR saw no reason to interfere.

The guidance that the DETR gave the regions in setting up the structural fund programmes was aimed mostly at ensuring that the proper procedures were followed. As the European structural funds always required at least 25%, but more often 50% co-funding, central government funding was also at stake in many types of measures and projects. This offered ample opportunity for central government to be more closely involved in the details of the programmes and projects, albeit indirectly. The English regional development policies, such as the Single Regeneration Budget scheme, also favoured a decentralised approach similar to that of the European structural funds. The DETR could also get involved in the regional process through spatial planning as it was the ministry that issued the national Planning Policy Guidance (formerly the task of the Department of the Environment). This was not used to feed particular issues into the regional programmes. Even after the DoT and DoE merged into the DETR, there was still little contact between the European Team and the planning policy section. The main guidance by DETR in the preparation of the regional programmes for European structural funds consisted of evaluations of programmes from the previous periods. As each region had a different approach to the programmes, the DETR determined the general terms of reference for the evaluations which were then put out for tender. The evaluation reports themselves were drawn up principally for the Programme Monitoring Committees in the regions, and there was always a time lapse. In the transition from the 1993-96 programmes to the 1997-99 programmes, only the interim (or *ex-ante*) evaluation was available. This evaluation contained no specific themes or issues that signalled a change in the new programme as far as the DETR was concerned.

*Central government involvement in region: the Government Office*

Central government may have played a marginal role in regional structural fund programmes from 'the centre', but it was, in a way, a double role. Central government

had decentralised services in the English regions, the Government Offices. In this capacity, it was directly involved in the programme preparation and management for the European structural funds. With the abolition of the regions and their institutions in the 1980s, regional planning also disappeared. With its programmatic approach, the European regional development policy came closest to a comprehensive policy at regional tier, and the Government Offices came closest to a regional government tier for economic, environmental and planning issues. The European programmes secretariat that was responsible for the day-to-day management of the Single Programming Document was also located in the Government Office. In the funding period prior to 1993, the programme management was divided over the regional offices of the Department of Trade and Industry and the Department of the Environment, which were responsible for the Durham and Cleveland part of the current eligible region and the Tyne and Wear and South-East Northumberland part respectively. The newly established, integrated Government Office had taken over many of the staff previously employed by the regional offices of these departments, some with 10 or even 15 years of experience in European funding procedures.

Under the European regulations, the Government Office with the European programmes secretariat was the so-called 'accountable body'. This meant that it was allowed to make the actual payments to the project applicants<sup>91</sup>.<sup>92</sup> All applications for European project subsidies went to the programme secretariat in the Government Office where they were assessed and, if necessary, finalised after further enquiries, and lastly made ready for decision-making in the Programme Monitoring Committee. The administrative preparations were made by the European programmes secretariat. To ensure that this secretariat was accepted by the whole of the regional partnership, some of its staff was recruited from local authorities and other organisations in the region. This kind of openness meant that, in general, the Government Office for the North-East was regarded favourably by the other partners in the regional partnership. It tended to act more on behalf of the region as a whole than as a central government representative. The Government Offices tended to operate as one of the regional parties with their own distinct role as European programmes secretariat, rather than central government representatives.

The Government Office occupied a central position in the regional partnership in strategic as well as practical terms. The flow of applications with first-hand information on all projects afforded it a crucial role in the regional partnership. The regional director of the Government Office chaired the Programme Monitoring

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- 91 The Government Office was the 'accountable body for the ERDF, but not initially for the ESF. For some reason the DTI was not willing to grant this position to the Government Office. This meant that all ESF applications first needed to be sent to London, after which the payments were made to the Government Office, which sent the money then to the applicant. During the 1997–99 Single Programming Document this was also transferred to the Government Office.
- 92 The European programmes (plural!) secretariat also had this administrative task for the objective 5b programme for rural development in other parts of the North-East, and for the various smaller European funding schemes such as RECHAR, RESIDER, and URBAN.

Committee. The Government Office was pivotal in the contacts with the Commission. Although central government officially submitted draft programmes and finalised the project applications and the progress reports for London, much of the actual contact between the regional partnership and Brussels ran directly via the Government Office as the chair of the Programme Monitoring Committee. The Government Office also led the delegations of the regional partnership in meetings and negotiations in Brussels with a changing representation of the various other regional partners. This delegation was accompanied by DETR or DTI representatives from London in order to put forward the views of central government if necessary. This left the Government Office free to express the regional standpoints.

The negotiations for a new Single Programming Document and the preparations for a programme were facilitated rather than co-ordinated by the European programmes secretariat and the Government Office. The Government Office mediated between the draft programme on the basis of the desires of the various parties in the region, the comments of the Commission, and the priorities set by central government. The latter was marginally involved after 1993, since firm central government influenced the Integrated Development Operations Programmes for the 1989-93 period (see figure 5.1). Despite the flow of information that accompanied the administrative tasks of the Government Office, there was no proper insight into the regional situation and needs or ideas for new projects or priorities. In 1993 the Government Office tried to set up a programme based on the previous Integrated Development Operations Programmes and local strategic plans. But after the transition in local government in the early 1990s to a unitary authority these were incomplete with some 50% coverage and little strategic value. Furthermore, no relief could be sought from regional planning guidance as it had not yet been set up. The solution was found in the context of the regional partnership with the local authorities. In 1993 the preparations for a first version of a Single Programming Document were co-ordinated by the North of England Assembly. In 1996 a private consultant was commissioned to undertake a regional economic assessment. In both cases, the final text of the Single Programming Document was the work of the European programmes secretariat, keeping pace with the changes flowing from the negotiations with the Commission.

#### *Multiple roles for local authorities*

The local governments were the main partners in the regional partnership. The North-East is a large region, therefore a large number of local authorities were involved in the partnership. The densely populated urban centres in the region, such as Newcastle, Gateshead, Sunderland and Cleveland have a unitary local authority in the form of a City Council or Metropolitan Borough Council. Much of the area in the North-East that was eligible for objective 2 of the European structural funds fell within the large rural territory of County Durham; a small part lay in Northumbria. These rural counties have a two-tiered local authority. In Durham, the Durham County Council forms the upper tier and a range of district councils and borough councils form the lower tier. All these city and county councils were represented in

the regional partnership, either by elected councillors or by officials from the local authorities' staff.

The local authorities were linked to many of the projects that received subsidies from the European structural funds. They themselves initiated or were closely involved in many projects, particularly those involving the construction of industrial sites and other types of physical development. In most cases this direct involvement came from the economic development sections in combination with the spatial planning department. In some cases match funding came from the city or county council budget.

All the local authorities in the North-East have a team of European officers or a European Team. These teams are either in the planning department, the economic department, or the chief executive department. They had a general involvement in projects and ideas for all European programmes that could apply in the North-East. Besides the objective 2 programme, this pertained to objective 5 for rural development in parts of County Durham and some of the Community Initiatives, notably, RECHAR for the regeneration of former coal-mining areas. The European Team promoted the utilisation of the European funding possibilities and obviously aimed to maximise the funding quotas for the respective counties. In the case of County Durham, amongst others, the European Team was directly responsible for the co-ordination of a package of projects for the Single Programming Document.

The existence of the European Teams within the local authorities' staff reflects a tradition of active local government participation in the regional process. Local authorities came together to look at strategic issues in the North of England Assembly. The Assembly was established in 1986 as an informal organisation with no real powers or functions for co-operation in areas of common interest and experience-sharing. The European Officers Group of the assembly was also started in 1986, primarily for sharing experience of bidding procedures for European funding for individual projects. Later, the programme approach urged them to work collectively, albeit within the various sub-regions of the North-East<sup>93</sup>. The European Officers Group covered a wide range of expertise with council officials who were well informed about economic development, geography, and administration. By bringing committees and working groups together, the Assembly generated ideas for new programmes. The Assembly was consulted by the Government Office and its predecessors in negotiations with central government and the Commission, but it also took its own initiatives in lobbying for the region. The North of England Assembly had its own office in Brussels, which was used as a meeting point before a delegation of the regional partnership chaired by the Government Office headed for the Commission.

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93 The North-East as a region was eligible for European structural funds. Part of the region qualified for rural development (objective 5b) and part for the development of an old industrial area (objective 2). Also within the part of the North-East eligible for objective 2, two IDOPs were initially set up for two sub-sections: one for the southern Durham and Cleveland area and one for the northern TAWSEN area (Tyne and Wear/South-East Northumberland).

The role of the North of England Assembly became increasingly important in the 1994-99 programming period. The Commission favoured the regional partnership and also urged the Assembly to contribute to a coherent regional strategy. At the same time, central government ceased to give substantial guidance. And even though the Government Office still held a firm key position in the process, it tended to perform a more coordinative and administrative role. The Assembly supported the regional partnership by commissioning studies and analyses which provided an overview of the state of the region and input for a new regional strategy. The regional development plan of the Assembly served as the first basis for the draft of the programme in 1993, which was finally approved by all partners in the region. At first, the local authorities were deeply disappointed by the Commission's initial rejection this draft. Before the mid-term review of the programme in 1997, the Assembly sent a delegation mainly comprising local political leaders to Brussels to exchange views with the Commission on the new strategy for the region. In the further course of the programme negotiations, which were practically led by the Government Office on behalf of the regional partnership, there was always some local authority or representation in the delegation. The Assembly sent the feedback to other local authorities through its office in Brussels and the European Officers Group. The latter was also closely involved in the Regional Steering Group of the regional partnership, in which the practical and administrative details of the programme were prepared and reviewed.

The local authority planning departments were involved specifically in parts of the programme that promoted projects with a physical development component. Before the European programmes secretariat could proceed with an application, planning consent needed to be secured and planning permits needed to be issued. The contribution of local governments in the preparation phase of a new programme was therefore not only to indicate whether enough projects could be presented that matched the priorities, but also whether planning consent could be expected for them. One of the main funding criteria was that the project had to start during the programming period and be complete within a year or so.

*Private sector, local organisations and other 'big players'*

Central government had more stakes in the regional process than only through the Government Office. With the English Partnerships, Urban Development Corporations and the Northern Development Company, several semi-public agencies were created with varying degrees of local public and private involvement. Local public and private representatives were also involved in the boards and management of these organisations. In the domain of social and economic development, higher education organisations, such as universities and training colleges, were involved in training schemes. In the Training and Enterprise Councils this strand of development was geared to the need for initiatives that were required for the European structural funds.

The private sector was closely involved in the structural improvement of the North-East and was thus also welcomed directly in the regional partnership.

Representatives from the private sector or from specific interested companies could participate in the regional partnership or in local partnerships or package partnerships, but tended to play a less active role in meetings. Ultimately, European funding was about the realisation of projects eligible for a subsidy; this was where the main interest of the private sector lay. Private developers and building companies that were involved in the regeneration of derelict areas, or companies that invested in site development for industry and business did not deal directly with the practical preparation of applications for European subsidies. More often, such projects were initiated and co-ordinated by the Tyne and Wear Development Corporation and English Partnerships. Both these organisations concentrated on urban development projects, operating as the lead organisation and the applicant for the European subsidies. The Northern Development Company promoted inward investment, was responsible for the vigorous marketing of the region and participated in projects for inward investment.

The Northern Development Company, Tyne and Wear Development Corporation and English Partnerships were big players in the regional partnership together with the local authorities and the Government Office. Although these were both quasi-government organisations within a general, central government policy framework, they operated as regional actors and with regional parties and companies. The projects they developed were partly funded publicly in order to cover risks that the private sector would not otherwise be prepared to bear, such as the large-scale reclamation of brownfield sites or the clean-up of contaminated sites. They could draw from their own budget and apply for further funding from, say, the Single Regeneration Budget and European structural funds. Increasingly important to structural improvement were also smaller development companies and organisations, which had fewer resources of their own and for which European funding was even more important. Examples were Comecon and Project North-East, which developed working space for artists in small-scale projects in the old city centre of Newcastle.

*Regional partnership as accessible policy arena for self-conscious region*

The regional partnership in the North-East formed an extensive policy arena around the structural improvement of the region, because each government agency, social organisation, private developer or individual company in the voluntary sector that believed itself capable of starting a project with European funding could participate in principle in the partnership. This meant that these actors could also determine the content of the programme and thus the funding requirements. In practice, this provided a broad basis of parties that had participated in previous funding periods and were considering applying for European funding in the current programme.

This made the regional partnership an accessible policy arena, even though it included a few decidedly 'big players'. Local authorities were influential, as well as various central government agencies. But as the North-East of England was deeply aware of its structural problems and was actively searching for ways of tackling them, there was a basic understanding in the region of the importance of securing

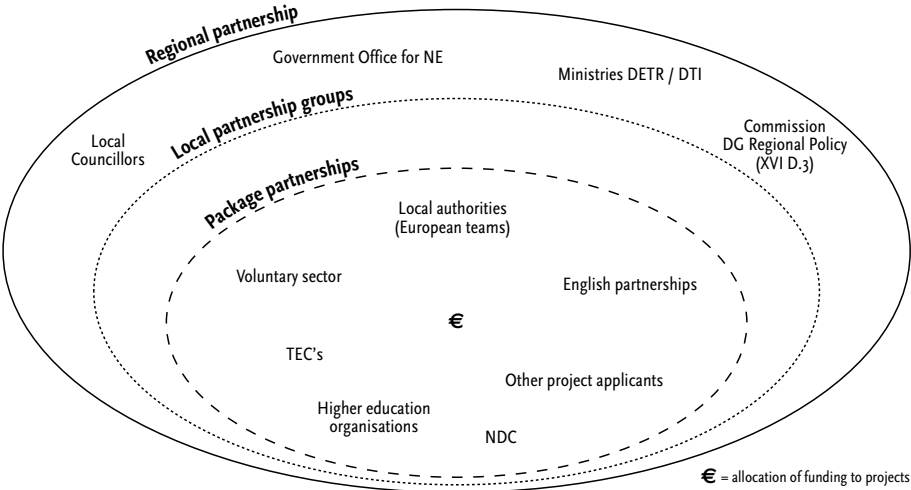


various flows of public funding for structural improvement. This understanding was actively promoted by the various agencies that represented central government in the region and was shared by local authorities and the beneficiaries of European subsidies, companies, private developers, and training and education organisations. With the regional partnership around the European structural fund programme, the co-operation between local authorities and the influential central government development agencies was both deepened and opened up for other parties by the European Commission interventions. The next section explores how this policy arena was established in actual negotiations on funding for strategic development areas for the mid-term review of the programme in 1996-97.

#### **5.4 Series of negotiations on strategic development areas**

There was, in fact, within the regional partnership a series of negotiations on spatial development that pursued the structural improvement of the region. These negotiations were created by the procedures for the European structural funds, which stipulated a sequence of steps: regulations prescribed the basic funding requirements which were then turned into a set of priorities and measures within the Single Programming Document. In each of these steps the partners jointly determined the funding criteria for a project. The overall aim of the exercise was that, in the end, for each single project an application for European subsidy needed to be submitted to the accountable body, i.e. the European programmes secretariat in the Government Office. After the application was assessed and the project was approved on the basis of the criteria determined in the preceding steps, the subsidy was paid from either the ERDF or the ESF. Hence, the spatial development negotiations took place in the preparation phase of the programme in which the funding priorities and criteria were determined; it is in these negotiations that the policy arena around structural improvement of the region was established.

This policy arena consisted not just of the programme-monitoring committee but a whole array of partnerships around projects, package partnerships and local partnership groups that made the whole of the formal regional a partnership (see figure 5.3). There was another step between the priorities of the Single Programming Document and the more administrative application procedure. In order to 'deliver' the programme, i.e. to spend the available funding, each single project needed to be part of a project package put forward by a group of local partners within the regional partnership. These 'package partnerships' were a continuation of the local action plans in the previous period. A set of these packages, in turn, needed to secure the comprehensive implementation of the measures in the Single Programming Document. These steps of drafting the Single Programming Document and compiling the project packages needed to streamline the process and provide the criteria for assessing the final subsidy applications. Each of these steps constituted negotiations on the funding opportunities for spatial developments, particularly in the priorities in the Single Programming Document for the main ERDF-funded



**Figure 5.3 - Policy arena around structural improvement of the North-East England**

elements. In practice, the formal sequence of steps outlined above led to intertwining negotiations on funding priorities in the packages and local partnerships; negotiations on the priorities for the Single Programming Document in which these packages needed to fit took place at more or less the same time. One reason for this was that the same parties – often even the same individuals – took part in these different negotiations and in the partnerships within the regional partnership.

Another reason was the timing. Usually, the Single Programming Document was definitively approved a year after the start of the funding period. In a region like the North-East, with longstanding experience of European funding, all the parties acknowledge the importance of having packages and projects ready to go, in order to have the first projects ready to be started when a programme is approved. Furthermore, each of the regional partners obviously wants to know in advance whether the measures and priorities of the Single Programming Document are going to be formulated in such a way that they fit the projects they themselves are favouring. For this reason, the programmes were formulated and the packages compiled at the same time. This section will analyse these negotiations on spatial development for the structural improvement of the region. Firstly, it will address the negotiations in the package partnerships for the strategic development areas in the 1997-99 Single Programming Document in package partnerships and local partnerships. Secondly, it will discuss the negotiations on the Single Programming Documents for the 1993-99 period, in particular the mid-term review for the 1997-99 Single Programming Document.

The negotiations on the mid-term review of the programme, for the second leg of the 1993-99 funding period showed how difficult it was for the region to decide on priorities and make real choices. The selection of strategic development areas, for

priority 3 of the Single Programming Document, was crucial in these negotiations. Below, the analysis concentrates on package partnerships for three 'strategic development areas' which were amongst the nine that were finally selected. The negotiations in the package partnerships covered the range of issues that mattered in the structural improvement of the North-East of England: inward investment strategy geared to the creation of many jobs in the short term, the preference for creating industrial sites on brownfield re-development rather than greenfield development, and the proximity to the most deprived residential areas. The same issues obviously played a role in all areas, but in different ways. The East-Durham area was mostly greenfield development. Newburn Riverside in Newcastle was a large brownfield site in the direct vicinity of deprived neighbourhoods, which were also eligible for community economic development. Grainger Town was the run-down old city centre of Newcastle with many derelict and vacant buildings in which the voluntary sector participated in re-development. The preparation of the packages for these strategic development areas will be analysed.

*East-Durham as illustration of the partnership in partnership-effect*

East-Durham is the coastal zone of the somewhat rural County Durham. It is located between two large urban conurbations with the cities of Newcastle, Gateshead and Sunderland to the north and the urban area between Cleveland and Darlington to the south. The funding approval for the East-Durham package was principally the result of a successful bid by Durham County Council in the regional partnership. With the 1997-99 Single Programming Document coming up, it soon became clear that only a few areas could be accepted by the regional partnership as 'strategic development areas' in the North-East, and for which a package could be put together<sup>94</sup>. Durham County Council chose to submit one area in the County, which meant that an internal competition preceded the actual submission of a package. County Durham is a large, mainly rural county but with the characteristic sprawl of villages and communities near former collieries. Various districts and boroughs in the county had project proposals ready, which made it difficult in the County to select an area<sup>95</sup>. Apart from general criteria, such as the timescale (projects that could actually be implemented within three of the maximum five years<sup>96</sup>), there were some decisive elements. One decisive factor was that an area needed to be in a neighbourhood or in one of the most deprived regions in which the Community Economic Development part of the Single Programming Document was to be

94 In a strategic development area a package can be put together for measures 3.1, 3.2, 3.3, 3.4 of the 1997-99 Single Programming Document.

95 Roughly half the territory of County Durham (223,000 hectares, 500,000 inh.) was eligible for objective 2 of the European structural funds, the other half fell within objective 5b for rural development.

96 Before the end of 1999, all subsidy applications needed to be fully accepted and processed; but there was a standard transitional agreement that allowed projects to be completed (and thus receive the actual subsidy) after the end of the programme period.

### **Greenfield development in East Durham**

The East-Durham package was a classic example of the inward investment strategy for the North-East of England, as it was basically built around the development of three new industrial estates, the extension or improvement of four existing sites and preparatory work for regeneration of derelict land.

The new sites or extension of existing sites were all meant to be ready to locate new companies coming to the region. This meant that on-site access roads, sewerage, electricity and some basic landscaping were needed to offer an attractive industrial estate. These industrial estates measured 15-20 hectares., which made them suitable for middle-sized firms looking for a location for a new factory or whatever.

The regeneration site was a large, 80- hectare former colliery which was considered suitable for a major inward investor as it was located near the A19 and Seaham harbour. The regeneration was only viable if an actual occupier was found who was willing to participate. Therefore the project that was part of package concerned preparatory work such as technical geological and feasibility studies to show its potential. Another project concerned the renovation of an existing industrial area, in order to maintain its attractiveness. Further, there was a smaller project which linked all business sites in the area to a digital surveillance system. Attracting the actual occupiers of the sites was not a direct part of the projects or the package, but there was one initiative to promote the area by placing signs along the main access roads announcing: 'Peterlee, place to be'.

applied. The East-Durham area, comprising mainly the Easington and the Peterlee District, had some of the most deprived communities. But this was equally true of other districts, such as Chester le Street. Another important element was that various sites had to be designated as Enterprise Zones in 1995, which offered an opportunity of match-funding for projects; but such zones were also designated elsewhere in the County. And despite the fact that the Single Programming Document expressed a preference for brownfield development, all the industrial estates that were being constructed with European funding in the East-Durham package were greenfield sites. But that would also be the case in the other areas of County Durham. So, competing bids could be expected from other areas with equally serious levels of deprivation and similar development opportunities. Despite the eligibility of each public-private effort to submit an area and put together a package for the regional partnership, Durham County Council brought forward the one successful bid for East-Durham.

The main thrust of the package for East-Durham was to develop new industrial estates that could be offered to new companies willing to invest in the region (see insert). Depending on the ownership of the sites, the projects in the East-Durham package were initiated and co-ordinated by English Partnerships and Durham County Council. Private developers were hired for the actual construction and landscaping work. The European Team of Durham County Council (in the planning and economic department) was actively involved in all the projects in that it

facilitated the paperwork for the European funding and other public funds with a view to the obligatory match funding.

The application for each single project in the package was sent to the Programme Monitoring Committee at the Government Office, which also made the actual payments once the partnership had approved the package and the progress of the projects. The total investment for the package was considerable; in other words, enough to figure as the decisive factor in the implementation of a project. The investment amounted to £15.3 million, with almost £6 million coming from the European structural funds (mostly ERDF) and £5.5 million of public match funding and almost £4 million of private investment. The investment effect could even be greater. Often, more investment was at stake for parts of a project concerning elements which were not eligible for European funding, and therefore did not appear in the statistics of the European programme. Obviously, this also implied that there were alternative sources for funding these projects in the region, namely the central government schemes for regional development. But as European funding could not replace existing commitments, the projects in this package were either uncertain of realisation or at least carried out more quickly than they would have been without the European funding<sup>97</sup>.

The realisation of the spatial developments in the package could proceed, unhampered by planning procedures and the investment priorities of the participating parties. East-Durham was also one of the top priorities for the regional agency of English Partnerships. English Partnerships was basically willing to work on any project as a development agency, as long as it fitted in with its own assessment of priorities and designated Enterprise Zones in the whole of the North-East. It had many potential sites in the whole of County Durham and participated actively in developing ideas and strategies for the East-Durham area. As far as planning permits were concerned, all the necessary preparations were in place with a structure plan and local plans geared to the development of the sites (Durham County Council, 1995). The projects in the East-Durham package all fitted in with the aim to promote the so-called 'A19 corridor' (see Map 1). The A19 motorway is one of the north-south connections that passed the deprived communities and cities in the coastal area of Durham County. The A19 runs parallel with the A1, the other major north-south link in the region that continues some twenty kilometres farther inland to Newcastle. The aim of the projects in the East-Durham package was to cease the opportunity for easy access to the area from the A19 and develop a corridor of accessible business sites. Initially, the desire for better access to the region with new link roads to the A19 prevailed for the East-Durham area. But the Commission

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97 The project that was sent pro forma to the Programme Monitoring Committee and formed the basis for approval by the regional partnership needed to point out the effect of European funding in this respect for each project. Also, the Commission was keen on this point of additionality. For the East Durham package, the pro formas either stated that without European funding the project would either not be carried out at all, or at a reduced scale or the realisation would be accelerated and bring in employment faster.

made it clear to the region that, for the 1994-99 period, large-scale infrastructural projects were not going to be eligible despite the ambitions of all the local authorities in the region in this field. Economic development of the Newcastle-Gateshead conurbation was hampered by congestion, and there were initially widely supported plans to invest heavily in the area around the airport just north of Newcastle.

In the end, the submission of the East-Durham package was the result of guidance by Durham County Council in the preparation of the bid. The aim of the County was to ensure that the area selected for strategic development could come forward with a package offering the project combination that came closest to the requirements of the Single Programming Document. County Durham had its own 'objective 2 partnership', with some 125 representatives from local authorities, agencies, educational and training institutes, developers, companies and its own staff. All the activities for the regional partnership were prepared within this local partnership, including brochures to secure the involvement of the County in the structural funds (Durham County Council, 1998). The bid for the East-Durham package was prepared with a selection of some 40 representatives within this local partnership. These were predominantly people and organisations which were already actively involved in the East-Durham task force. So, basically there was a partnership for East Durham within a partnership for County Durham within a regional partnership for the North-East of England. The partnership approach that was promoted for the implementation of the European structural funds was being copied to a lower level. Like the larger regional partnership, the East-Durham task force was as open as possible, as long as a project package was being developed with all the relevant interested parties. Obviously, many organisations sent the same representative to partnership meetings, although once the package was up and running, the people in charge of the practical aspects tended to be the most closely involved.

Monitoring the project progress is relevant to everyone, as all the potential participants are aware that if a project does not start in time the money needs to be allocated to an alternative project or is otherwise lost for the region. This was one reason why projects or areas that were not selected did not object too strongly. Their plans might be realised in such a scenario, or in the context of other funding opportunities, or on a smaller basis with only United Kingdom funding, or in the next programming period for European structural funding. The active guidance for the various funding processes offered by the County Council with a staff of ten officials for European programmes and many more in the economy and planning section secured a sense of trust and co-operation between the parties even when emotions between localities were running high.

#### *Brownfield development and economic skills for Newburn Riverside*

Newburn Riverside was a vast derelict brownfield lying in a large bend of the River Tyne in the west of Newcastle. Various industries and a coal-fired power station were once located in the area. After the closure of the Anglo Great Lakes Graphite Works in 1990, this site had been completely vacant and had been recognised as a priority area for regeneration. Newburn Riverside was considered to have high potential for

### **Brownfield development on the Newburn Riverside**

The Newburn Riverside strategic development area package basically concerned four projects to turn the area into an industrial estate: reclamation and infrastructural development, construction of a business centre, project co-ordination, and marketing of the area. The largest project by far was the basic reclamation work of removing the heavy foundations of the various industries that were located there and contaminated landfill. Furthermore, part of the area would be used for the construction of new infrastructure and landscaping. The costs of this project alone were estimated initially at £22m. with a £7m. ERDF contribution. Later the total expenditure for this project was estimated at £40m., an increase that was covered fully by British funds (Single Regeneration Budget). The rest of the package, much smaller in terms of investment, with a total £5.5m. in which a £1.5 m. contribution from European structural funds (ERDF and ESF) was required (Partnership, 1997).

The other three projects were the construction of a 'sustainable business development centre' in which consultancy, training and services for small and medium-sized enterprises would be started. The co-ordination project and the marketing project were meant to make a joint effort of the initiatives by the various participants in the local partnership for the Newburn site.

Lastly, there was a series of much smaller projects, all with ESF funding, for training and management support. Training for employees in the engineering sector, training for managers in small and medium-sized enterprises, various projects for so-called pre-vocational training for the unemployed in selected nearby deprived neighbourhoods. This series of projects was meant to prepare people in these deprived neighbourhoods for the job opportunities that will arise in the Newburn Riverside area (Partnership, 1997).

job creation with its attractive location near motorways and Newcastle airport. It was designated as a beneficiary for British regional development schemes such as City Challenge and Regional Challenge, which so far had provided the area with better linkage to highways.

Newburn Riverside was one of the key elements in the Newcastle bid for the Single Regeneration Budget. The SRB served as one of the main sources of funding for the reclamation work. Also, English Partnerships had assessed the area, and designated it as one the 'locations for strategic development' in the North-East (Partnerships, 1997). For these British schemes, co-funding of more than £7 million from the European structural funds was the final piece of funding necessary to start the reclamation of 66 hectares of derelict land and provide it with basic infrastructure. The parties in the bid, and the rest of the regional partnership, considered the selection of Newburn Riverside as a safe strategic development area from the beginning. For some time, redevelopment plans had existed for this area which met two important criteria of the 1997-99 Single Programming Document. It was a brownfield located near some of the most deprived areas of the North-East where the bottom-up 'community economic development' approach was pursued already.

As the Newburn Riverside is a large site of 80 hectares, the project preparation required considerable efforts. English Partnerships started off as the package coordinator, because they were the main sponsor for the costly reclamation of the contaminated site. The whole package for the development of Newburn Riverside for European structural funds was brought together by a local partnership: the Newburn Riverside Strategic Investment Partnership, consisting of 14 parties, was set up by English Partnerships and Newcastle City Council. Apart from the Northern Development Corporation and Tyneside Training and Enterprise Council as obvious partners in such projects, the business sector and the voluntary and community sector from the most deprived parts of Newcastle were broadly represented. Although it was mainly an English Partnerships initiative to put the whole of the package together, the chair of the package partnership was left in due course to the City Council, i.e. the director of its economic development department. The difficulty in compiling the package lay in getting the basic physical development of the site linked to initiatives to promote the area for small and medium-sized enterprises, offering job opportunities for the local unemployed.

With much of the preparatory work in place, such as planning permission, Enterprise Zone status and match-funding for land reclamation, the physical development side of things was not the problem. For the European contribution, the thrust of the package clearly needed to be that these efforts were directly linked to job creation, the establishment of small and medium-sized enterprise and benefits for the unemployed in the nearby heavily deprived areas in the west of Newcastle. With the broad set-up of the package partnership, the City Council sought to actively address the wider range of issues that needed to be covered in projects than the regeneration for which English Partnerships took primary responsibility. The Newburn Riverside bid was assessed positively under the provisions of the 1997-99 Single Programming Document for the European Structural Funds, especially for its proper analysis of the link to the so-called CED areas, the most deprived adjacent neighbourhoods where the Community Economic Development approach was pursued (EKOS, 1999, pp. 105-106). But though the Newburn Riverside package bid represented a marked success for English Partnerships and the City Council, the actual delivery of the package proved much more difficult.

The European Team of Newcastle City Council actively urged the package partnership to keep working on the projects so that the final applications for the subsidy would be ready. The European Team prepared monitoring reports for the regional partnership. This increased the time pressure and created a heavy administrative workload for the partners. In the end, the applications were submitted by a much narrower group of organisations than the size of the package partnership suggests. Most of them came from other sections of the City Council that guided projects, e.g. in co-operation with Newcastle College, which offered vocational training schemes. Although the package as a whole had been endorsed, the European programmes secretariat still had to assess whether the applications for each project complied with the European requirements, in order for the regional partnership to agree on granting subsidies. This showed again how the emphasis in



the packages needed to move away from a supply-side approach. As the package was geared to a projected need for 'high-quality' business sites in the region, the programme involved training and education of the workforce for the future occupants of the area. For these training and education projects, in particular, the final applications needed to show more clearly who the beneficiaries would be, both in terms of the specified needs of companies as well as who was expected to participate in the training schemes.

*Lush Grainger Town for leisure and retail needs to foster creative sector*

The Grainger Town package was put together for the old city centre of Newcastle upon Tyne. Sharp-eyed observers can see that Newcastle once was an elegant 19th-century city. When steel and coal production was at its peak, the city underwent a change, acquiring an impressive railway station, boulevard-like streets lined with monumental houses and shops, and a theatre<sup>98</sup>. A century later, there was a constant exodus of residents and businesses from the town centre.

The planning ideals of the 1960s and 1970s had given Newcastle a boost of beltways, modern offices on the edges and a shopping centre in the middle. By the

**Small-scale local development in Grainger Town**

The contribution of European funding to the redevelopment of Grainger Town was rather limited compared to that of the other strategic development packages. Initially, the package covered a request for European funding of some £3.6m. Later the size of the package was downsized when some of the projects proved difficult to realise in time or did not meet the criteria of the Single Programming Document or the European regulations.

The main physical development projects concerned the acquisition and renovation of buildings in which small working/living units would be created by Project North-East. The idea was that these would be suitable for the 'creative sector': artists or small businesses in the creative IT sector (Grainger Town Partnership, 1997).

In the accompanying measures to embed these investments in physical improvements an attempt was made to link up with the creative sector: support for the organisation of festivals, training for the creative sector and suchlike. Newcastle College for vocational training and the University of Northumbria in Newcastle were the main initiators for these projects.

Furthermore, there was a line of projects in which European funding was sought to strengthen a project supporting small- and medium-sized enterprises. This involved refurbishing office space, supporting business initiatives in certain streets, assessing training needs, developing skills to the IT-sectors, support to business start-up and basic skills in construction work. Some of these were aimed in particular at the nearby most deprived neighbourhoods (CED wards) (Grainger Town Partnership, 1997).

98 In the period of 1830-1840 Richard Grainger, a visionary entrepreneur and speculative builder transformed this part of Newcastle.

1990s, these improvements had lost their consumer appeal. It was thought that the charm of Grainger Town could bring a fresh impetus to consumer-led development. This part of the city centre had been overlooked in the torrent of modernism and was now acknowledged as historically important with 60% of its buildings listed. At that time, most of the area was run-down. The ground floors of many houses accommodated down-market retailers. The upper floors of many buildings were vacant and poorly maintained, and the streets and pavements were in a bad condition. But there were still opportunities that could be exploited, such as the old, covered Grainger Market, a vibrant range of clubs, the Tyneside cinema and other artistic activities.

The strategy for Grainger Town was drawn up by a private consultancy firm, commissioned by the City Council and English Partnerships (EDAW, 1996). The strategy covered many issues and projects, but placed a clear emphasis on improving the public realm. Grainger Town borders on the current main shopping area of Newcastle, which had recently been refurbished. The strategy proposed the creation of an attractive and busy inner-city area, which would suit the needs of retailers and provide opportunities for extending the existing shopping area into the Grainger Town area. Other ideas, such as the organisation of festivals, linked up with this aim of improving the appearance of the area, again with a view to attracting crowds to the city centre. Ambitious elements in the strategy were the creation of new cultural and leisure facilities to build on Newcastle's world-famous clubbing tradition. As a living area, Newcastle city centre was virtually deserted with only 1,000 inhabitants in Grainger Town on its 30 hectares<sup>99</sup>. The aims in the strategy for improving the housing stock were thus properly defined as 're-introduce housing' (EDAW, 1996). Strengthening the office core was similarly ambitious; many businesses had moved out of the city to more modern premises, leaving much of the office space unoccupied and run-down.

The emphasis on the physical improvement of the public realm reflected the set-up of Grainger Town Partnership Ltd., in which the City Council and English Partnerships were the main initiators. This formal partnership applied for funding for the physical regeneration and restoration of the area by the Single Regeneration Budget, the National Lottery, and English Heritage. Chaired by one of the local councillors, English Partnership was an important party for the realisation of the major construction work. Grainger Town Partnership Ltd. had an office in the area and the City Council provided it with a director and staff. The regeneration strategy suggested a variety of approaches, such as a joint venture which enabled the partnership to participate in the real estate development market, but with strong involvement by the City Council which allowed it to use the threat of compulsory purchase orders (EDAW, 1996). The background to the establishment of this wide Grainger Town Partnership was the bid for the Single Regeneration Budget. Many

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99 Figures from 1991, with a trend of depopulation EDAW (1996). *Grainger Town. Regeneration strategy. Executive summary*. Newcastle upon Tyne: EDAW, commissioned by Newcastle City Council and English Partnerships.

The Regional Economic Assessment was undertaken by an external consultancy firm, commissioned in 1995 by the regional partnership. The assessment was based on reviews of economic statistics and literature, consultations with external experts, and interviews with regional actors. The report stressed that there were high-profile successes with regard to inward investment as a main driver for development, but it also noted that the region was still 'losing ground' in 'employment terms' (Hall Aitken Associates, 1996, p. 6).

The Regional Economic Assessment acknowledged that inward investment by large industrial companies remained a valuable approach to development for the North-East, but also suggested issues slightly removed from the strategy so far. Apart from attracting certain new companies, it also suggested supply chain relationships and a broader network of business services such as call centers and remote offices. It stressed that the North-East with its partly adequately skilled labour force offered advantages comparable with other European regions. With the focus on inward investment, the strategy was to have a stock of sites for new companies. These were mostly greenfield sites and therein lay a future problem: '...the success which has been enjoyed has taken up a significant proportion and the best quality of certain resources, in particular, sites and labour' (Hall Aitken Associates, 1996, p. 29). The report suggested that there were enough sites in stock, but that additional public investment was needed to upgrade outdated business areas and derelict sites. The report identified further regional strengths and weaknesses that needed to be included in a strategy, but with a critical note on European structural funds that were not suitable for every type of project. It was sceptical of the chances of tourism development, but identified small business in general and technological small and medium-sized business that needed support. Furthermore it stated that there was an 'overwhelming case for greater consultation with the private sector in determining the shape of the Single Programming Document' (Hall Aitken Associates, 1996).

other agencies were involved in this bid, such as the Tyneside Training and Enterprise Council (TEC), higher education institutes, the tourist board and private parties. Local community groups and the arts sector were also represented, though they tended to be less strongly involved in meetings and suchlike. Although the bid was a comprehensive set of actions, the partnership expressed strong views on what needed to happen in the area. The main thrust of the partnership was the physical regeneration of the public realm, the construction of a few hundred private homes and some public housing.

The Grainger Town strategy was comprehensive enough to support the initial bid as a strategic development site for the European structural funds. But when it came to putting together a project package, the Grainger Town Partnership appeared to focus strongly on the requirements of the Single Regeneration Budget, and to lack experience of European funding. An initial set of projects tended only to cover capital investment in physical development projects, while projects were also required for embedding the benefits from such investments. As the Grainger Town Partnership acted independently, the European Team of Newcastle City Council did

not get enough information on how the package preparations were progressing and could not adequately assist. Newcastle City Council was closely involved in the Grainger Town Partnership, but mainly through the economic development and urban regeneration departments. The requirements in the Single Programming Document urged organisations to specify their results on the local scale. These requirements concerned the project output in terms of the number of created jobs and training-scheme participants and the benefits for the inhabitants of the most deprived adjoining neighbourhoods. These requirements led the Grainger Town Partnership to pay more attention to other organisations than those previously involved, and especially to find organisations that operated on a smaller scale.

The package for European funding was actually put together by a much smaller partnership within this well-established, formal Grainger Town Partnership. This helped organisations that were previously less closely involved in the Grainger Town Partnership, if at all, such as Comecon. Comecon was active in other parts of Newcastle in bottom-up, small-scale community economic-development projects. For the Grainger Town package, Comecon tried to set up a 'cultural workspace' project to meet the need among artists for skills and small-scale managed workspace. The idea for the project built on similar experiences in Manchester and Dublin, and was supported by a national survey of the economic value of the British music, design, fashion, film and TV and radio industries. Larger-scale projects that were designated as strategic development sites in the Single Programming Document, such as the multi-purpose arts centre which was constructed in the restored former industrial monument of the Baltic Flour Mill in Gateshead, fitted in with this approach (Partnership, 1994). Grainger Town was considered a suitable location to support Newcastle as a regional centre for the arts and suchlike. The Comecon initiative could build on existing 'micro-small business' in this field, that was considered to need specialised support (Comecon, 1997). Unfortunately for the initiative, the Comecon ideas for projects could not be included when the time came for the package to be finalised.

Also, when the Grainger Town package was complete, projects dropped out in later stages because the applications for individual projects with the European Programme Secretariat had run into trouble. With the small and medium-sized businesses already located in the area including the creative sector, Grainger Town offered a suitable basis for linking physical development projects with training and business-support projects. But problems arose in the physical development projects: either the required match-funding was not secured or not all the planning permits were ready in time. A particular problem facing Grainger Town was the need to re-utilise vacant buildings. This meant that real estate owners needed to be persuaded into selling. In most cases, these were large investors from outside the region, with only financial interests. They had no interest whatsoever in the re-utilisation of their property and kept it simply as a balance-sheet asset. The Grainger Town partnership had not taken initiatives in this field.

Despite the Grainger Town Partnership and its joint strategy, a straightforward building renovation project proved difficult to plan. Project North-East with its plan

for working/living units remained the main applicant in the package for European funding. This was an organisation that had built up experience of real estate development in Newcastle by renovating derelict buildings. With an increased focus on locally vested development schemes in the European structural funds, the chances for organisations like Project North-East had improved. But even for an organisation that was a well-informed participant in the Grainger Town Partnership, awareness of this turn in the Single Programming Document came late, leaving them little possibility to actually get hold of the premises they wanted to re-develop and start the project. Their actual preparation started late in the time schedule of the Single Programming Document. Persistent inquiries by the European Team of Newcastle City Council with a view to the final assessment of applications by the European Programmes Secretariat included checks for the necessary planning permits and such, simply because otherwise delays would arise later the construction phase. The Grainger Town package was thus reduced from £2.4 million to £1.7 million. The rest of the money was redirected within measure 3 in the Single Programming Document to the other strategic development areas in the North-East.

*Strategic development areas packages reflect change in regional strategy*

The package partnerships for the strategic development areas were a direct result of negotiations between the regional partnership and the Commission on the mid-term review of the Single Programming Document (see Figure 5.4). Neither the region, nor central government suspected a substantial policy change from the Commission at that time. But during these negotiations, the Commission sought to emphasise fine-grain approaches to development which would help large-scale investments to trickle through to typical problem areas.

The mid-term review of the Single Programming Document marked a shift towards a more comprehensive regional strategy, and a move away from a European funding programme that was, by and large, the sum of all the local desires. The sequence of programmes for the European structural funds since 1988 shows that there had always been some measure or priority that provided for large-scale investment in infrastructure and physical development. Normally, this was also the strongest driver for spatial development through European funding. The main purpose of these priorities for infrastructural or physical development was to allow applications for European funding so that sites could be developed for the purposes of inward investment.

Before 1989, there was no regional programme. As a result, every single application for European project funding was decided in Brussels by the Commission. After 1989, the region could increasingly put its own stamp on the allocation of the European structural funds with the regional programme. For the period 1989-93 two separate programmes were drawn up for the more or less artificially distinguished sub-regions in the North-East. The regional input for the preparation of these two programmes was found predominantly in the spatial planning documents from the various metropolitan councils and county councils, as

county structure plans were still available at that time<sup>100</sup>. Further selection of this regional input at that time was strongly influenced by central government. After 1993, one Single Programming Document for the North-East as a whole was considered a significant step forward with respect to the regional colour of the programme. The preparation of the programme at the level of the region as a whole proved difficult, not only because, with only one large programme, the various parties in the region feared stronger mutual competition for the funding; with the establishment of unitary local government in the cities there were no structure plans to provide a basis for such an exercise. And although the European programmes secretariat in the Government Office had a good idea of actual developments in the region and the chances for new projects on the basis of current projects and their progress, it lacked input for a strategy for the region as a whole.

One of the reasons behind the problematic preparation of a regional strategy for a Single Programming Document was the lack of insight into the developments in the region in general. Obviously, data was available from various studies. But for the preparation of each subsequent programme for the European structural funds there was always a shortage of input from the experiences and results of previous programmes. The constant mismatch between data on economic development and the result of efforts for the structural improvement of the region in previous programmes made it difficult to determine new priorities. This was partly due to the time-lapse between programmes, evaluation and the preparations for a new programme. The evaluation of a programme was put out for tender by the Commission during a programme period, but was available only years after the adoption of a new programme. The ex-ante evaluation of the 1993-96 Single Programming Document was available to the Commission at the time of the mid-term review for the 1997-99 programme, but this went unnoticed in the region. Thus, to set out a new regional strategy another type of analysis was needed. This problem was solved for the 1993-96 Single Programming Document by asking the local authorities in the North of England Assembly to come up with a preliminary inventory of ideas and projects. The Regional Economic Assessment for the 1997-99 Single Programming Document was an attempt to break the cycle (Hall Aitken Associates, 1996). The Programme Monitoring Committee had commissioned the study. One aim was to support the case for continued European funding to the region. Ultimately, this was not at stake in the mid-term review. The other aim was to come up with a strategy for the 1997-99 Single Programming Document. As central government still did not strongly favour regional strategies, it urged the Government Office to call it differently, hence the name 'Assessment'.

The Regional Economic Assessment was intended as input for the mid-term review of the 1997-99 Single Programming Document. This explains why so-called 'strategic opportunities' were formulated. On the basis of the regional economic assessment, a new programme was prepared in the first half of 1996 by the

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100 Tyne and Wear Structure Plan, Northumberland Structure Plan, County Durham Structure Plan

'regional steering group', one of the advisory bodies to the Programme Monitoring Committee. This first draft of the Single Programming Document was aimed mainly at a continuation of the 1994-96 Single Programming Document programme, but included one new extra priority for the development of tourism and cultural projects. The draft programme was accepted by the regional partnership and submitted to the Commission in July 1996. Under the proper procedures, this draft programme was first sent to central government, which only performed a cursory check before sending it off to Brussels.

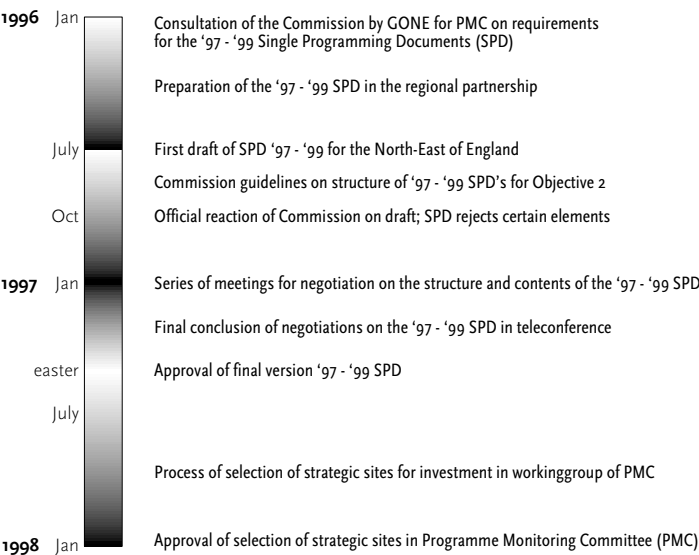
In the preparation of the 1997-99 programme the Government Office expected little further change in the views of the Commission on the regional programmes. When the Government Office met the Commission in early 1996 on behalf of the regional partnership, it did not get the impression that other issues needed to be tackled in the new programme period. The only change the Government Office anticipated was a further shift from capital investment towards measures for so-called 'revenue' investment. This was relevant to the region's deeply-rooted inward investment strategy, which required capital investment in order to make enough sites available for new businesses. The Government Office therefore continued to focus on capital, expecting a 60-40% balance between capital investment and revenue investment based on the budget for the 1994-96 programme.

As the negotiations on the packages for the strategic development areas show, these purely physical development projects also apparently needed to be linked to the aim of direct job-creation for the most deprived neighbourhoods. More issues emerged in the negotiations in the package partnerships for the strategic development sites, such as project cohesion in one area, the inclusion of the voluntary sector in the partnership, and the accessibility of newly created jobs to residents from the CED areas, the most deprived parts of the region. All these issues followed from the negotiations between the regional partnership and the Commission.

#### *Promotion of spatial prioritisation in negotiating the 1997-99 SPD*

The discussion between the region and the Commission concentrated on the new priority for cultural and tourism projects and on the priority for support to projects related to inward investment opportunities. Even though it still is a part of the Single Programming Document, in the views of the Commission there are limited chances for the region in the field of leisure and tourism. This is confirmed later in the ex-ante evaluation for the 1997-99 programme. What is more, there was further emphasis on the need to keep concentrating on certain areas and to ensure that a growing share of the budget was allocated to the development of small and medium-sized enterprises.

The Commission presented its first comments directly to the region in a large partnership meeting with all the players in October 1996. The Commission took the view that the North-East initially tried to define the aims of the 1997-99 Single Programming Document too openly, and suspected that the sole aim was to create maximum opportunity to fully deplete the available budget by the end of 1999. The



**Figure 5.4** - Negotiations on new Single programming Document for the North-East of England for the 1997-1999 period

Commission kept stressing the importance of a real strategy for the region. As far as making real choices was concerned, the Commission was least satisfied with the way the previous 1994-96 programme in the North-East had handled investment in infrastructure. In the view of the Commission a more selective infrastructure investment could have had a stronger impact. The emphasis of the Commission was therefore on a stronger concentration of the share of European subsidies for infrastructural projects for the coming period, which meant making better and clearer choices.

The partnership was disconcerted by these rather fundamental comments by the Commission on the structure of the draft programme. It was surprised that the Commission rejected parts of the draft programme on the basis of general official guidelines. There was a feeling in the region that the Commission had radically changed its thoughts about certain issues, while the region was still preparing the draft programme. This pertained particularly to approaches to inward investment opportunities and the focus on job creation and small and medium-sized enterprise. After this confrontation in the large partnership meeting, a series of up to six meetings were held alternately in Brussels and in the region with a select delegation of the regional partnership to renegotiate the draft programme. At these meetings the financial allocations to the various priorities of the programme were also negotiated. Although the overall budget of the programme was fixed largely in the negotiations on the eligibility of the region, it needed to be divided over the various priorities of the programme. Negotiating the more precise allocation of the budget gave the Commission another opportunity to promote further changes to the structure of the



programme. In addition, the share of the contribution from ERDF and ESF to the programme needed to be indicated, which meant that the programme had to define the nature of the projects that would be funded under certain priorities.

In these negotiations the Commission urged the regional partnership to select only a small number of strategic development areas. This suggestion was an interpretation of the Commission's own, rather general guidelines in relation to the circumstances in the United Kingdom and the North-East. The new priority 3 of the programme could still cover projects for large-scale investment but it aimed at developments that were not necessarily linked to inward investment. In addition, cultural and tourism projects, for which the Commission no longer saw the need for a separate priority in the Single Programming Document, could be supported within this new priority 3. The Commission further suggested that these strategic development areas be in the direct vicinity of the most deprived neighbourhoods, which would relate projects directly to the priority 4 so-called CED-areas<sup>101</sup>. The CED approach was continued on the basis of the experience in the region with the bottom-up and small-scale approach which had been previously developed on the basis of European funding from the RECHAR and RESIDER programmes<sup>102</sup>. For the selection of these CED areas the Commission suggested a threshold whereby those areas would be selected where 25% of all unemployment in the region was concentrated. Furthermore, the Commission was committed to the reclamation of derelict industrial sites from an environmental point of view; this was also in line with central government policies. The inclusion of the 'brownfield rate', i.e. the total amount of re-development of brownfield compared with greenfield sites, as one of the funding criteria also meant that more than half of the strategic development areas had to be brownfield.

The Commission's insistence on such a concentrated area approach led to a selection process in the region. An inventory amongst the regional partners initially listed 69 sites; after a first selection some 34 remained. The Commission insisted on a further concentration of European funding, but the regional partnership opposed the selection of just a handful of strategic sites; firstly because it was difficult to reach agreement within the regional partnership on such a selection, which would inevitably exclude many projects or sites, that some of the partners would have preferred to be included; and secondly, because the regional partnership was afraid of having too rigid a programme and wanted to keep more and larger sites eligible for funding. If the development of one of the selected sites failed to make enough progress to submit project proposals for European funding, then it would be difficult to replace it with another. Furthermore, having more and larger sites in the programme would help to attract outside investors who generally sought large sites. Mindful of Siemens' search for a location in France or in the North East of England, the Commission strongly upheld its objections to possible structural fund money becoming involved in moving jobs around in Europe.

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<sup>101</sup> Community Economic Development

<sup>102</sup> Programmes for conversion of areas of former collieries and coal and steel industry

Central government supported the regional partnership in the negotiations with the Commission. The key actors in the later stages of the negotiations were a small group of representatives of central government, the Government Office in the North East, assisted by the permanent representation of the United Kingdom in Brussels with the head of the objective 2 unit of the Commission. They reached the final compromise that the selection of sites would not be included in the Single Programming Document, but undertaken by the Programme Monitoring Committee within 6 months of reaching agreement on the new programme. The set-up of the Single Programming Document with strategic sites for large-scale investment was not in keeping with the initial preferences of the region, but was acceptable as the final choice of sites that needed to be made was left to the regional partnership. The negotiations in the package partnerships finalised this selection of the actual sites for which a set of projects could be presented which met all relevant criteria.

## **5.5 Negotiating spatial development in regional partnership**

The North-East of England has a tradition of dealing with various strands of both European and English funding for the structural improvement of the region. The European structural funds had been influential in more ways than just offering subsidies for development projects and creating investment opportunities. The region gained experience in adjusting to constantly changing procedures in the sequence of funding periods. After the 1988 reform of the structural funds, these procedures increasingly emphasise a comprehensive approach to the structural improvement of regions by building a regional partnership and calling for a regional programme. This is reflected in the North-East in a gradual enlargement of the regional partnership in the 1989-99 period. The case study focuses on the mid-term review of the regional programme in the 1994-99 period in which the first truly regional programme was drawn up without a history of preparation in the previously separate sub-regions.

The regional partnership, which was required under the procedures for the European structural funds, provided in a rather explicit way for a policy arena that dealt with the structural improvement of the North-East. The analysis of this regional partnership shows that, in fact, it comprised a range of existing as well as newly established local partnership groups, project partnerships and package partnerships in the North-East. The analysis of the process of drawing up the regional programme for the allocation of the European structural funding shows how the structural improvement of the region was defined and which actors were involved (see Box 5.3).

In the mixture of parties involved in the regional partnership and in the diverse package partnerships, big players like the local authorities and the public development agencies, such as English Partnerships, dominated the regional partnership. They had their sights set on obtaining subsidies for certain projects

<b>Policy arena around the European structural funding for the North-East of England</b>	
Composition	<p>The policy arena around the structural improvement of the North-East was formed by the regional partnership, with its local partnerships and package partnerships in which often the same parties or even the same persons were involved. A wide variety of public and private parties was involved in the actual realisation of projects, including locally operating organisations. ‘Big players’: local authorities, NDC and English Partnerships. European Teams of local authorities had indispensable administrative and procedural expertise. Central government was only marginally involved directly as it relied on its Government Office, but Commission officials from General Directorate XI for the regions participated directly in regional partnership meetings.</p>
Selection & identification	<p>The set-up of the regional partnership was based on European regulations and United Kingdom preferences for ‘package partnerships’. The Commission intervened to strengthen the regional focus, which was reflected in the participation of local political leaders and later in the invitations of locally operating organisations.</p> <p>The Commission also emphasised job creation for most deprived social groups, and an increase in the environmental impact of investments, which led to priorities for structural improvement with a substantial share of the budget for the development of specific strategic development areas. Efforts in the region led to a change from initial ‘inward investment’ and the supply-side approach of developing greenfield sites. Strategic development areas were preferably brownfield sites near the most deprived neighbourhoods with possibilities for training schemes. Further criteria for the selection of areas included the realisation speed of projects, which emphasised the need for planning permission.</p>
Interaction & exchanges	<p>The allocation of European structural funding took place in a series of negotiations: on the programme, on site selection, on project packages, on projects. Prompt identification of problems led to re-negotiation on projects or packages. The negotiations focused on spatial development priorities and brought together all the different parties in the regional partnership.</p> <p>The negotiations followed various stages: the eligibility of the region as a whole, the priorities in the Single Programming Document, the selection of strategic development areas, the packages and a selection of projects. The different parties shared a general awareness of meeting deadlines and the need to re-negotiate amongst each other, as otherwise the region as a whole would ‘lose’ European funding.</p>

**Box 5.3 - Properties of the policy arena around the European spatial development issue of structural improvement of regions**

they were working on already. The development perspective they envisaged initially concerned a continuation of the inward investment strategy with a few large projects. Even so, they were prepared to cooperate with other parties in the preparation process for the European funding programme, as they had several possible projects for submission. Based on their experience with funding schemes, they also know that if they did not succeed in the current programme period, they can simply try again in the next one, or try another European or British funding scheme. These big players still played a leading role in the process of drawing up a regional programme, but they found themselves engaged in an expanding regional partnership which, in the end, determined new priorities for the region by selecting only a few strategic development areas as a focal point for spatial development. These changing priorities for the region were closely related to the composition of the policy arena around the structural development of the North-East.

On the basis of the relevant procedures, the Commission intervened in the set-up of the regional partnership in the North-East. Coupled with its intervention to promote package partnerships, this added to a stronger regional perspective. The participation of elected local councillors in the Programme Monitoring Committee, initially opposed by central government, helped to create a regional perspective. Central government agreed with the Commission to a marginal involvement in the drawing up of the regional programme and the workings of the regional partnership. Central government relied on its Government Office in the North-East to co-ordinate the regional partnership. This Government Office was strongly dedicated to regional priorities.

The package partnerships also reflected how the composition of the policy arena around structural improvement of the North-East was linked to determining new regional development priorities. The package partnerships made it easier for smaller-scale companies and voluntary organisations to access the process of project preparation and the actual regional programmes. If an organisation had the desire and ability to participate in the larger regional partnership it could do so. Even the delegations that represented the regional partnership in direct negotiations with the European Commission on the regional programme included smaller organisations that took turns. Although the local authorities were big players who sought to realise their own preferences for certain projects or developments, they also promoted the involvement of new organisations that were less experienced in these matters. Their European Teams supported successful participation in the complex procedural steps towards the actual submission of a project for funding by securing that all the requirements were met in time.

The priorities for the structural development of the North-East in the Single Programming Document were revealed in the selection of strategic development areas. These strategic development areas still left scope for creating inward investment opportunities, but the emphasis in selecting the particular areas was to move away from the inward investment strategy in favour of more fine-grain approaches to structural development. The selection of strategic development areas was the result of a process of preparation of the regional programme within the

region and a final stage of negotiations between the regional partnership and the Commission. The emphasis on locations near the 'CED areas' – the most deprived neighbourhoods in the North-East – and on the involvement of locally operating groups enabled new parties to gain access to the policy arena around the structural development of the region, i.e. the package partnerships. The bulk of the available funding was allocated to physical development projects for these areas, in combination with projects for the unemployed in the CED areas. In anticipation of the selection of strategic areas, these package partnerships were already putting together a coherent set of projects, as the possibility of the actual realisation of all the projects in a package was one of the criteria for selecting the area for strategic development. This made it possible for locally operating organisations to contribute their own views on the needs of the region, and come up with new ideas and projects they were working on already.

*Creating situations of negotiations contributes to establishing policy arena*

The analysis of the case of the use of European structural funds in the North-East of England was aimed principally at gaining insight into how the creation of a negotiating situation on spatial developments contributed to establishing a policy arena around the structural improvement of a region. This policy arena consisted mainly of the formal regional partnership that was set up according to the procedures for the European structural funds. The parties in this regional partnership were mainly involved in previous sub-regional partnerships as well as in various smaller partnerships that were re-arranged to form the new package partnerships. Existing local partnerships, such as the East Durham partnership or the Grainger Town Partnership Ltd., constituted package partnerships which, in turn, constituted the larger regional partnership as a whole.

This regional partnership was established in the process of drawing up the Single Programming Document which set out the priorities for the allocation of funding. The funding criteria and requirements that were finally laid down in this regional programme were the result of a series of negotiations on the allocation of the available funding which was created by the procedures for the European structural funds. The negotiations on the funding allocation brought together the various larger and smaller parties in the regional partnership which formed the policy arena around the structural improvement of the region. The time pressure imposed by the limited funding period greatly facilitated the progress of these negotiations, creating an urge to determine priorities for allocating funding to projects even if it left some dominant parties empty-handed for the projects they favoured most strongly. In the negotiations, it was the focus on spatial development aims for the concentration of the available funding that brought together the various parties from local partnerships and the sub-regional partnerships of the previous period. The call for the establishment of package partnerships, especially for the strategic development areas, contributed strongly to this.

Given the initial insight into European regional policy, the expectation for this case study was also that direct links between the regional or local tier and the

European tier would be found in this policy arena around the structural improvement of a region. The position of the Commission vis à vis the regional partnership and its contribution to the regional decision-making on the priorities for European funding offered specific insight into how this joint policy-making occurred.

The guidance from the Commission for drawing up the Single Programming Document was initially rather general. It was difficult for the Commission officials to operate conscientiously for each of the specific regions they were involved in. The Commission had insufficient staff to manage the programmes and participate in the regional process. The feedback from previous programme periods was hampered by the time lapse between the start of the new programme and the availability of evaluations of previous programmes. Having British officials in the unit of the Commission's General Directorate XVI for the regions that were actually involved in the United Kingdom programmes can be seen as a slightly questionable advantage. The installation of geographical units in the Commission did not promote experience-sharing in other objective 2 regions throughout Europe. The quality of the feedback from the Commission was dependent on the interest that individual Commission officials responsible for the UK programmes took in the specific problems and approaches in each of the regions. Interventions aimed at the selection of only a handful of strategic development areas stemmed from very general European regional policy principles, such as the concentration of funding, the preference for projects to improve the quality of the environment, and the creation of job opportunities for certain groups of the unemployed. The Commission's specific views on the North-East came at a late stage, when the regional partnership had gone through a process of trying to formulate priorities itself. The input for a new programme needed to come initially from the region itself. In the case of the North-East there was a lack of strategic spatial planning at regional level. A regional assessment and bringing ideas together in the regional steering group compensated for this. The local partnerships and the package partnerships added further to this input.

During the further preparation stages of the new Single Programming Document, the Commission expressed more specific viewpoints in direct negotiations with the regional partnership in 1996. The negotiations on deciding on these spatial development priorities in the region were, in the end, the result of the direct negotiations between a delegation from the region and the Commission. In these negotiations, European aims (concentration of funding, environmental-friendly projects, jobs for the most deprived groups) confronted regional and local aims. The time pressure imposed by the procedures for the structural funds enabled the Commission to promote European criteria and preferences for structural development of the North-East in these negotiations. The priorities that followed from this confrontation were the strategic development areas. In the final stage, as well as in various preceding stages, priorities and criteria for subsidies were determined jointly by parties from the regional and the European tier, thereby practically by-passing the central government tier.

Although there was strong resentment towards the nature of the interventions by the Commission in some stages of the negotiations on a new Single Programming Document for the North-East in 1996, there was no resentment towards the interventions as such. The Commission's contribution to changing the approach to regional development, in particular, by emphasising the need for a truly regional strategy, was generally appreciated in the end. At crucial moments in the process of setting up the regional partnership and of preparing the regional programme the Commission participated directly and intervened with a view to priority-setting. The participation of the Commission in the negotiations on the allocation of funding led to the joint identification of the needs for structural development in the North-East of England, in which the focus on spatial development priorities formed the pivot of the regional strategy.





### Trans-European networks. A moving spatial concept

#### 6.1 Introduction

The concept of trans-European networks is a European spatial concept that forms part of the common transport policy. The concept sets out the aim to realise networks for various types of infrastructure, possibly interlinked and spanning the whole of the European territory and beyond. The concept of trans-European networks has become part of the common transport policy within only a few years, and is strongly focused on the realisation of a limited list of priority projects. This chapter analyses how the concept of trans-European networks contributed to the establishment of a policy arena around the realisation of one of these priority projects, the high-speed railway linking Paris-Brussels-Cologne-Amsterdam-London (PBKAL). In order to investigate the link between the policy-process at the European tier of government and the actual decision-making processes in the member states the case-study is further narrowed down to the Dutch section of the PBKAL, covering the high-speed railway between Amsterdam and Brussels. From an Amsterdam-centred perspective this was a southbound railway line, hence this project is called 'high-speed rail south', or *HSL-zuid*, in Dutch policy-making.

The policy process of planning and decision-making on the construction of new high-speed railways consists of determining strategic priorities, funding projects, and the harmonisation of technical requirements relating to the liberalisation of the rail transport market. The analysis of this case aims to determine how the concept of trans-European networks contributed to the establishment of a policy arena around high-speed railway infrastructure, involving representatives from both the member state and European tiers together with various other parties. Below, in section 6.2, the analysis first investigates how the concept of trans-European networks took shape in three intertwining debates on transport and infrastructure. These debates provided a rich source of inspiration for an appealing spatial concept that, in combination with the various forms of European legislation in which it was formally laid down, could relate to various parts of the policy process and decision-making on new infrastructure. The case study further investigates how decision-making on the Dutch part of the trans-European high-speed railway network related to the concept of trans-European networks. In section 6.3, decision-making on the *HSL-zuid* is analysed in the light of Dutch infrastructural planning and the concept of trans-European networks. The following section (6.4) explores the contribution of the funding mechanism to further promoting the realisation of networks and the mobilisation of the necessary expertise and information exchange on infrastructural planning and projects. Section 6.5 analyses how the concept of trans-European

networks linked infrastructural development with technical requirements for transport systems and the actual transport services in the context of the liberalisation of the transport market. The case analysis shows that there were four policy sub-arenas around the development of the European high-speed railway network infrastructure. The final section (6.6) of this chapter therefore aims to provide insight into how the concept of trans-European networks can be a spatially appealing concept to these four policy sub-arenas.

## **6.2 Three debates as a source of inspiration for the concept of trans-European networks**

However logical it may seem to deal with border-crossing infrastructural issues in the context of the European Union, the incentive for creating infrastructural networks at European level came from outside the European policies. The European debate on transport issues started with a growing awareness of the need for renewed investment in infrastructure after the soaring public expenditure in the 1970s and 1980s. This debate gradually penetrated European policies. Actually, there were three more or less separate debates that evolved in a major change of the common transport policy in less than a decade, roughly from halfway the 1980s to the 1990s. These three debates were the ‘missing links’ debate on new infrastructural development after decades of neglect; the ‘single market’ debate on the need for infrastructure that would physically match the creation of the single European market; and the ‘traffic-and-climate’ debate on dealing with the environmental effects of a general increase in traffic as a consequence of economic growth. The concept of trans-European networks was shaped with elements from the three debates on the functional aspects, on the environmental effects, and on the economic investment effects of transport and infrastructure policy.

### *The debate on ‘missing links’*

The most notable development that fuelled the debate on infrastructure at European level was the introduction of the high-speed train. The first high-speed trains were running in Japan as early as the 1960s. In Europe, the first service became fully operational in France in 1981. The TGV between Lyon and Paris was the first initiative in Europe to prove the success and potential of this technically innovative revival of rail transport. Germany followed somewhat later, because they were working on their own system and were taking longer than France to solve the technical problems. The high-speed trains led the way to technical and functional improvements in infrastructure, highlighting opportunities for new infrastructural investment. In the decade following the introduction of the first high-speed train services, the European railway companies worked jointly on plans for new high-speed train services in the *Union Internationale des Chemins de Fer (UIC)*, since the early 1990s in the *Union Européenne des Chemins de Fer (UEC)*, and the ministers of transport in several bi- and multilateral meetings.

An important contribution to a more general renewal of interest in infrastructural development came from the European Round Table of Industrialists (ERT). This group of captains of industry, chaired by CEO Agnelli of the Italian industrial and car company Fiat, drew attention to the need for large-scale investment in the renewal and improvement of infrastructure, and better linkage of existing national infrastructure. This was not a lobby group intent on changing the common transport policy, but a group of influential representatives from major European companies, which operated as the most prominent initiator of the debate on a stronger focus on infrastructure in European Union policies. It established a working party for infrastructural issues that came up in 1984 with the notion of missing links as a *Leitmotiv* for the infrastructure debate in Europe (Hey, 1998, p. 113). Through a series of publications it succeeded in formulating the notion of creating European infrastructural networks and got it on the European political agenda (ERT, 1984; ERT, 1987; ERT, 1992; ERT, 1992). The debate on the construction of new infrastructure focused on the functional merits of efficient transport systems in terms of 'missing links' and 'creating networks'.

Several lobby organisations contributed to the further development of the ideas on various infrastructural networks on a European scale, such as the International Road Federation, *Union Internationale des Sociétés de Transports Combinés Rail-Route* (Richardson, 1997; Hey, 1998). The Commission supported its contribution by admitting it to advisory bodies, such as the Motorway Working Party in which representatives of several General Directorates of the Commission worked together with member state officials, lobby groups, federations and hired experts from consultancy firms (CEC, 1993). At the end of the 1980s, the transport ministers of the European Union member states gathered in the Transport Council to embrace the ideas promoted by the European Round Table of Industrialists. This brought the infrastructure issue firmly into the institutional context of the European Union. As one of the official sectoral Councils of the European Union, the Transport Council was empowered to develop these ideas further into formal European Union policy. It did so in a relatively short period of time.

#### *The 'single market' debate*

There was another debate in which the European Round Table of Industrialists was a prominent advocate of European integration: the project for the completion of the single European market in 1992. The establishment of the single European market prompted most economic sectors to look for further activities at European level in order to stimulate the economic performance of Europe. Expectations were high of the single market in the run-up to its realisation, but these were paralleled by disappointment at the persistently high level of unemployment throughout Europe in the early 1990s. Despite efforts by the individual member states and Europe, cyclical unemployment dictated by the rate of economic growth (or its slow-down), structural unemployment in certain regions, job losses among older and unskilled workers, and redundancy due to technical progress and change in industrial sectors remained high in Europe (CEC, 1993). The feeling in the European Union in the

early nineties was that the process of the single European Market could not keep pace with the rate of change in the global economy. There was a political need to intensify political efforts for more concrete action in order to counter the rather abstract action of removing trade barriers and customs formalities.

A call for action from the member states and the Council resulted in the White Paper on Growth, Competitiveness and Employment (CEC, 1993). This White Paper acknowledged that there was no single solution to the unemployment problem, and if there had been, the member states would already have applied it. Basically, the White Paper was a compilation of measures and approaches that built further on the single market project, urging the creation of a healthy economy, an open economy, a decentralised economy, a competitive economy and an economy characterised by solidarity. 'Healthy' and 'open' referred to the further strengthening of monetary stability and the continuation of the single market and GATT liberalisation to stimulate general economic activity. 'Decentralised' and 'solidarity' covered initiatives for the promotion of technological renewal and access to the information society for small- and medium-sized enterprises, for less favoured regions, and for certain social groups. As a policy document, the White Paper on Growth proved to be particularly influential in the implementation of all the relevant European policies by constantly stressing the need to specify their in terms of job creation. But the policy document was also influential through the strong focus on its fifth approach, the 'competitive' approach. This covered further action in finalising the 1992 project, for 'drawing the maximum benefit from the single market' (CEC, 1993, p. 14).

The creation of 'a favourable environment for company competitiveness' was considered an uncontested objective for the Council, the Commission and the member states. The White Paper on Growth strongly emphasised the need to accelerate the creation of trans-European networks as one of the essential preconditions for competitiveness in the European Union. The importance of improved infrastructure at European level to economic prosperity was presented metaphorically, with the networks described as the blood vessels that the European market needed to bring more oxygen into the economy (CEC, 1993, p. 82). In further developing the need to promote the creation of European networks, the Commission saw itself as a catalyst, accelerating administrative procedures. But it was also intent on obtaining additional resources for the existing infrastructure funding mechanism. The estimated budget that was needed to realise the first planned outline of the trans-European networks stood at around 400 billion ECU; there was no way the public sector could meet an investment of this magnitude. The successive Commissions of Delors and Santer tried to get the member states to agree to increase the budget for the common transport policy in order to create trans-European networks, thereby also using as an argument the direct positive effect of large-scale infrastructure investment on employment. The member states opposed the various attempts of the Commission to create such a substantial investment capacity at European level, as none of them was prepared to increase their net contribution to the European Union budget. The only possibility that they were prepared to support was a reallocation within the Community budget, which

would be charged to the surplus in the Common Agricultural Policy. This option was shelved after expenditure had to be increased to address various crises in European agriculture, such as BSE (Werts, 1996; Putten, 1996).

The single market argument was also brought into the debate on European infrastructure by stressing that changes needed to be made to the functional aspects of infrastructures and to the transport sector itself in order to create the right conditions for the efficient operation of transport markets. The lack of transparent and open markets was hampering optimal utilisation of infrastructure and the creation of networks. This was the context for promoting technical exchangeable systems and the creation of interoperability between different modes of transport. The mechanics of transport markets were considered important for another reason. Private-sector participation was required to realise the large investments needed for the creation of the trans-European networks. The approach of building new forms of partnership of public and private investment which was promoted in the White Paper on Growth was supported by similar arguments. Private investment could only be obtained in a favourable investment climate where the exploitation of infrastructure was market-oriented (CEC, 1993, pp. 82-86).

#### *The debate on traffic and climate change*

There was a third line of debate on transport that influenced the rise of the infrastructure issue on the European agenda. Scientists and environmentalists were increasingly subscribing to the view that traffic and transport was one of the major causes of the process of climate change in the late 1980s. This led to a growing awareness among environmentalists that concerns about climate change needed to be addressed by linking them to patterns of mobility and transport; a previously uncultivated terrain internationally. Despite the lack of pressure group activity around this issue internationally, the general acceptance of scientific insight into the effects of growing transport flows and the climate contributed to a flourishing debate in international governmental organisations. In 1988 the OECD published a report on transport and environment and the European Transport Council established a working group on the issue, which prepared a special meeting in 1989 (Hey, 1998, p. 119; OECD, 1988). These initiatives were welcomed by the European Parliament and drew the debate into the European Union context, which, according to Hey, played an important role in bringing together the relevant actors and building a common understanding of the issue (Hey, 1998, p. 119). The debate concentrated on developing the basic principles of a sustainable transport policy. This new approach needed to bridge the existing European environmental policy, which concentrated on matters like regulatory incentives for technical developments to lower CO<sub>2</sub> and NO<sub>x</sub> emissions from vehicles, and the emerging interest in the common transport policy regarding the necessary investment in infrastructure to meet the growing needs of freight and passenger transport after a decade of stagnation.

In an inventory of the environmental effects of the single European market, traffic was one of the issues put forward by General Directorate XI for the Environment.

Following the initiatives of the Transport Council, and the ideas initially mooted by the General Directorates XI for the Environment and XVI for the Regional Policy, the European Commission, notably Directorate General VII, which was responsible for transport, turned the common transport policy in a new direction. The Commission formed an expert group of former ministers and scientists to come up with advice. After extensive consultations with experts, actors and lobby groups active at European level, a discussion paper was drawn up (a green book) to develop a more sustainable strategy for European transport. Environmental pressure groups and the railway and combined transport lobby that previously was undertaken mainly from nationally operating organisations had intensified their presence in Brussels for the purpose of participation in this debate, e.g. in the independent European Environmental Bureau. Part of them had joined forces in a London-based organisation called Transport & Environment, which was moved to Brussels. Railway companies founded the union of European railway companies (UEC) as European part of the international union of railway companies (UIC). The General Directorate VII for Transport used this input in the debate for finalising a White Paper. In 1992 the member states agreed on the White Paper as a general policy document, although they contributed very little to the process (Hey, 1998). This White Paper mostly reflected the input of the Commission's General Directorates VII for Transport and XI for the Environment as a solution to the quickly developing debate on infrastructural networks dominated by the European Council and the member states.

The 1992 White Paper on transport policy stressed a transition to a 'balanced policy that supports the development of coherent integrated transport systems', alongside the continued aim for a single European market (CEC, 1992, p. 40). As far as infrastructure was concerned, this White Paper expressed a view that was much in line with the overall commitment in European policies to the necessary support for the development of peripheral areas and less-developed regions in the light of the now completed single European market. Instead of focusing on missing links in the large European transport axes, the emphasis was on opening up insular and isolated areas and linking peripheral areas to central regions. Such a strategy was very much in keeping with European regional policy, which made it slightly suspect to mask a claim on the financial resources of the structural funds for strengthening the common transport policy. But the main thrust was the aim to develop an approach for a European transport policy that integrated the environmental objectives. The main message in which the input from environmental interests and transport issues converged was a common transport policy that attempted to offer alternative modes of transport which would effectuate a shift to more environmentally-friendly modes.

#### *From debates to formalisation of a European spatial concept*

The renewed interest in infrastructure in Europe changed the common transport policy. The issues of mobility, transport and infrastructure were drawn into the European Union policy process via the three, more or less separate debates. Although these three debates took place simultaneously but separately from each other, the range of issues that they covered linked up with various actors in the

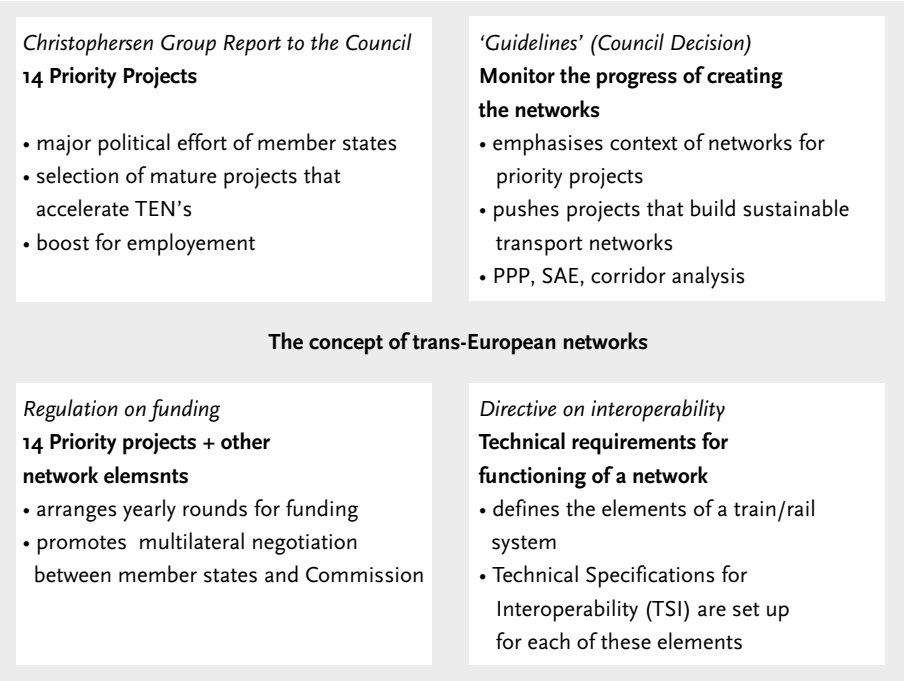
European policy process. This is not surprising as the parties in the three debates overlapped to some extent. Around developments in railway infrastructure in particular, both railway companies and representatives of the European member states' ministries responsible for railways were actively involved in the traffic and climate debate, as well as the missing links debate. Furthermore, interest groups, lobbyists, pressure groups and consultants brought essential and necessary expertise to the debate on infrastructure, and thereby to the European policy process. The Commission's General Directorate VII for Transport further supported this with studies and reports and by setting up working parties, building on plans developed by the European railway companies, the International Road Federation, and the European Round table of Industrialists (Hey, 1998, p. 222). The main message in the concept of trans-European networks, in the end, most strongly reflected the debate on missing links, promoting infrastructural networks with a view to contributing to the efficient operation of the single European market. The debate on the need for a more comprehensive perspective on sustainable mobility was less influential in the concept of trans-European networks, although the preference for rail-related projects held by General Directorate VII for Transport reflected the notion of a modal shift from the third line of debates.

On balance, the links to the various debates and actors provided the concept of trans-European networks with content that relates to distinctly different aspects of infrastructural planning and to the range of actors involved in decision-making processes on transport and infrastructural development. The concept of trans-European networks aims at the renewal, improvement and extension of existing infrastructures, but the concept of trans-European networks serves a multitude of objectives, including social and economic cohesion throughout the European territory and the linking of island, landlocked and peripheral regions to the European heartland; both well established aims of European integration. However comprehensive the concept of trans-European networks is, in the end it focused essentially on offering a high quality infrastructure that will interlink major conurbations of the European territory.

The formal policy context in which the spatial concept of trans-European networks was embedded subsequently, in terms of legislation, funding mechanisms and other instruments, partly determines the decision-making processes to which it relates. Initially the concept was enshrined in the comprehensive and influential report of the Christophersen Group. This report was published in full as an official document by the 'Office for official publications of the European Communities' (CEC, 1995). This document has no formal status but its contents were largely formalised in a Council Decision that lays down 'guidelines' for the realisation of trans-European networks, including the list of priority projects<sup>103</sup>. The concept of trans-European networks was further laid down in two other types of European legislation: a regulation for an infrastructure funding mechanism and – for the high-speed

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103 Decision 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community Guidelines for the development of the trans-European transport network



**Box 6.1 - 'Carriers' of the trans-European networks concept**

railway network – a Directive on technical requirements, notably interoperability. The document, the guidelines, the regulation for the funding mechanism and the directive on technical requirements could be seen as the four formal ‘carriers’ of the concept of trans-European networks (see Box 6.1).

In particular, with these ‘Community guidelines’, the trans-European network seems to have a neatly defined formal position as a policy concept based on the provisions of the Treaty<sup>104</sup>. However, this is unusual as a formal construction, as such ‘guidelines’ are in no way directly legally binding on the member states or anyone else. They are a set of rules laid down in a Council Decision, which means that the direct legal scope is limited to what is specified. These guidelines cover the ‘objectives, priorities and broad lines of measures envisaged in the area of the trans-European transport network’. The guidelines also ‘identify projects of common interest, the implementation of which should contribute to the development of the network in the Community’<sup>105</sup>. A set of indicative and not very sophisticated maps of the priority projects was appended to the text of the Council Decision. The guidelines contain criteria for the selection of priority projects, i.e. the 14 priority projects that were selected in the Council meeting in Essen in 1994. Since then, priority projects were almost sacrosanct in all Transport Council meetings.

<sup>104</sup> Art. 156 TEC

<sup>105</sup> Council Decision 1692/96, art. 1



The guidelines addressed the member states, as well as the Commission and encouraged joint action and suchlike. The Community could take independent action, but only when this was considered 'appropriate'. Furthermore, there was no timetable for when these networks needed to be realised. The member states were not required to harmonise their policy systems, infrastructural planning or investment schemes. All this makes the trans-European networks as laid down in the 'guidelines' a purely indicative strategic spatial concept. The concept of trans-European networks as laid down in the 'guidelines' offers a general frame of reference for infrastructural planning for the member state and European policies. The actual decision-making on building of infrastructure is left to the discretion of the member states.

The practical contribution of European infrastructure policy lays in monitoring the progress of the selected projects with a view to solving anticipated problems by, for example, conducting feasibility studies and promoting the realisation of these projects and providing additional funding. A limited budget was available in the common transport policy for infrastructure. The 1995 regulation laid down the procedures and requirements for this funding. This regulation created a financial instrument which was aimed particularly at the realisation of trans-European networks, and was thus one of the formal carriers of the concept of trans-European networks. The regulation provided for the framework of the decision-making process, which actually changed the existing funding mechanism for infrastructure.

A distinct feature of the concept of trans-European networks is the aim to interlink infrastructure for the different modes of transport. With a view to promoting the modal shift, the Commission is consistent in emphasising the need to connect different infrastructural networks. The idea is that interlinked transport services will promote optimal utilisation of infrastructural networks and create scope for more competition in the transport sector as a whole. This applies especially to railway infrastructure, but also to energy and telecommunication networks. For railway infrastructure, notions like 'interconnectedness', 'multimodality' and 'modal shift' are part of the concept of trans-European networks that gives meaning to the idea of truly European networks that go beyond the obvious need for improving cross-border connections and solving missing links. For railway infrastructure, the directive on 'technical interoperability' sets out how these aims of the concept of trans-European networks need to be arranged. Technical interoperability means that it is possible for different railway infrastructure and train systems, with different safety systems, traffic management systems and so on, to be connected to each other. Besides promoting the realisation of specific projects, the practical contribution of the common transport policy in this field consists of providing for necessary regulatory arrangements. The technical interoperability is closely related to the liberalisation of the railway market for which a directive was adopted in the common transport policy prior to the development of the concept of trans-European networks<sup>106</sup>. The directive on liberalisation thus cannot be seen as a 'bearer' of the

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106 Directive 91/440 on the development of the Community's railways

concept of trans-European networks, simply because it preceded the new field of action of the common transport policy and did not refer to it. It is, in practice closely related to the aim to develop a European network of railway infrastructure.

Once it was formally established in the common transport policy, it could be fully appreciated how the concept of trans-European networks contributed to the establishment of a policy arena around the spatial development issue of European infrastructure. The contribution of the concept of trans-European networks to the mobilisation of decision-making on all aspects of railway infrastructure in member states is revealed in an analysis of the policy instruments which were made available in the common transport policy. Firstly, this concerned the communicative mechanisms of the guidelines, in which the comprehensive concept of the Christophersen document was laid down. Secondly, it concerned the funding mechanism, and thirdly the regulatory work on behalf of the directive for technical interoperability which, in turn, related to the aims of the concept of trans-European networks in liberalisation efforts which were already formally well underway. Below, the analysis starts with the links between the renewed European transport policy and the existing process of decision-making on the Dutch section of the high-speed railway network.

### **6.3 Transnational policy arena around Dutch high-speed rail**

The renewal of the common transport policy with the development of the concept of trans-European networks and changes in infrastructural planning in the European member states ran more or less parallel; the one influencing the other. The development of high-speed railways was already well underway in a multi-lateral setting of national transport ministries and railway companies, when the infrastructure issue was added to the common transport policy. This section will analyse the contribution of the guidelines for the trans-European networks to the establishment of a policy arena by examining the commitment of European Union institutions to the concept of trans-European networks as laid down in the 'guidelines' and by focusing on priority projects. Consequently, the link with decision-making on the Dutch section of the PBKAL will be analysed.

On the one hand, this analysis will give additional insight into the development of the actual concept of trans-European networks, and on the other, it will investigate the complementary value to existing spatial concepts in the Dutch national policies. Finally, the policy (sub)arena around high-speed railway development will be reconstructed, in which a variety of parties were represented which operated at European and central government level, such as the Commission representatives, the various central government departments and agencies responsible for infrastructural planning, as well as the national railway company. Two committees formed the formal basis for this policy arena, which makes it a distinctly transnational policy arena.

*European institutions' views on the concept of trans-European networks*

Once the renewed interest in infrastructural development had found solid ground in European policy-making, it was further shaped in the struggle between the member states in the Council on one hand promoting priority projects (the Commission in a double role) and the European Parliament on the other promoting modal shift and truly European networks. Most striking is that the different European Union institutions could be identified with one of the three debates, or in other words, they adopted parts of a debate to express their view on the European Union role in infrastructural development. After the European Round Table of industrialists had introduced the issue of 'missing links' and the notion of networks of infrastructure, the European member states both individually and jointly in the European Council, became the advocates of the idea of promoting infrastructure development. This is reflected in the attempt to accelerate the process by selecting priority projects. The Council advocated the need to concentrate all efforts on major infrastructural projects. The Council and the Christophersen Group referred consistently to the White Paper on Growth in order to justify investment in infrastructure. In this sense, the concept of trans-European networks was an attempt to underscore the European commitment to social issues and to show how economic integration could generate employment, whilst at the same time meeting some key interests in certain projects of the member states.

According to Hey, the Commission could be seen as the central actor: "Sie war zugleich Initiatorin, Katalysator, und Koordinatorin der Entwicklung von Leitschemata" (Hey, 1998, p. 221). But it played a double role. Under the close leadership of its successive presidents Delors and Santer, the Commission aimed for a comprehensive political programme for stimulating European economy and employment, in which the trans-European networks were one of the most prominent elements. By arguing for infrastructural networks as a precondition for the proper operation of the single European market, the Commission was closely in tune with the points of view of the Council. In particular, General Directorate III for Internal Market stressed that the limited possibilities for funding at European level needed to be matched by further liberalisation of the transport sector to allow private participation in infrastructural investment.

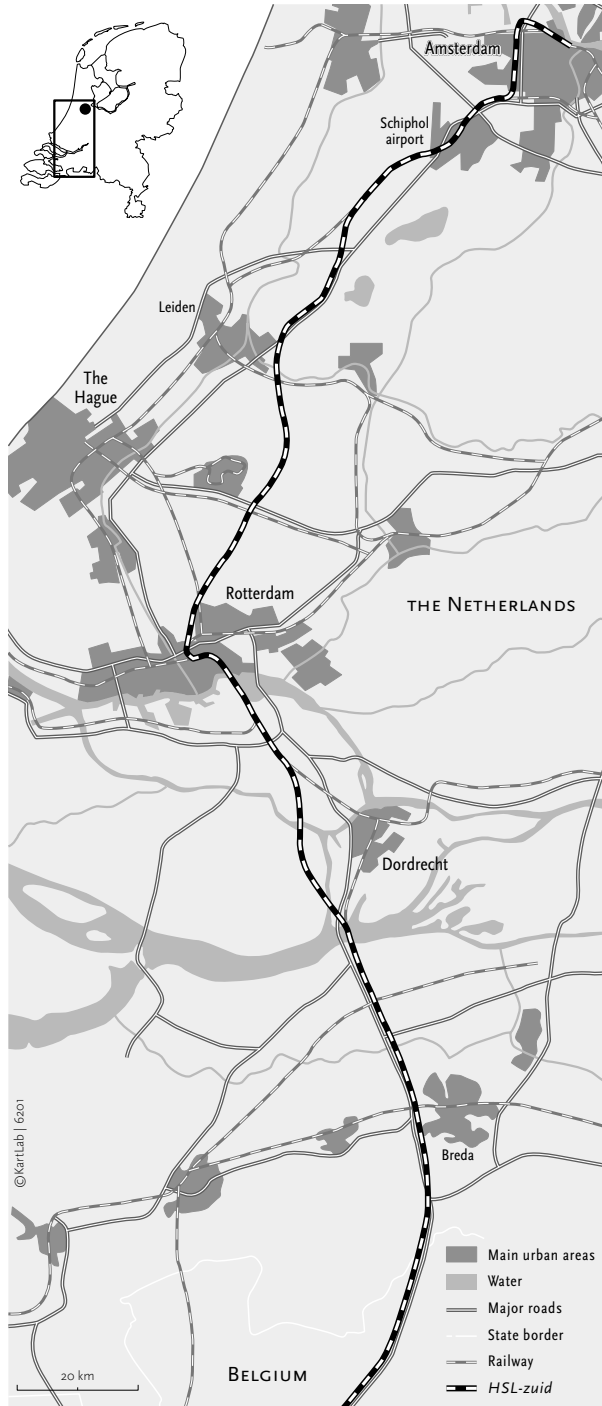
The debates on infrastructure also led to a deepening of the common transport policy. Riding the tide of renewed interest in infrastructural investment, the successive Transport Commissioners were keen to expand the European efforts in infrastructural planning within the General Directorate VII for Transport. In its proper context of the common transport policy, the concept of trans-European networks became a comprehensive perspective on the functional aspects of infrastructural systems and on creating European networks of infrastructure. Both the European Parliament and the Commission often referred to the White Paper on sustainable mobility. Representatives from the transport sector, notably railway companies, the European Parliament and the General Directorates VII for Transport and XI for the Environment found each other in a comprehensive approach to the problems of growing mobility. The debate on the link between climate change and

transport increased the relevance of environmental effects in the struggle for a greener European infrastructure policy.

*Dutch efforts to link up to the high-speed rail system*

The contribution of the concept of trans-European networks to member states' decision-making on high-speed railways can best be described as providing a frame for a development already well underway. The European railway companies and transport ministries started developing ideas for a network of high-speed railway lines as early as the 1970s (see insert). The first Dutch initiative dates back to 1973 when a working party was established within the ministry of transport, the Dutch railway company (*NS*) and the *RPD* national planning agency. In 1977 this led to a report setting out the initial ideas for a high-speed rail connection to France, the *AMROBEL* route: *AM*sterdam-*RO*tterdam-*BE*lgium (Berg, 1997). The ideas for a new high-speed railway network took a more concrete form in the 1980s when the first high-speed train was operating successfully in France. The project that later became one of the 14 priority projects for trans-European networks under the acronym *PBKAL* (*Paris-Bruxelles- Köln-Amsterdam-London*) started with the desire by France and Belgium to link Brussels to the French high-speed *TGV*. When it became clear that this would not be cost-effective, further linkage to Liège was

Decision-making on the Dutch section of PBKAL	
1973-1977	Dutch <i>AMROBEL</i> study
1983	Exploration of Paris-Brussels-Amsterdam high-speed rail link
1984	Participation of the Netherlands in PBKA project
1986	Feasibility study PBKA
1986	Inclusion of London in PBKA-L after British-French agreement on Channel Tunnel
1989	Multilateral agreement on PBKAL between transport ministers
1989	Start of formal decision-making process in the Netherlands with <i>Startnotitie</i>
1990	Commission report on high-speed rail network
1991	First proposal for <i>planologische kernbeslissing (pkb1)</i> on <i>HSL-zuid</i> by central government
1991-1993	Review of proposal after public debate
1994	<i>Nieuwe HSL-nota</i> with renewed draft proposal on <i>HSL-zuid</i> (again <i>pkb1</i> )
1995	Public debate ( <i>pbk2</i> )
1995-1996	Parliamentary debate on proposal
1996	Reviewed proposal of the cabinet on <i>HSL-zuid (pbk3)</i>
1997	Final plan for <i>HSL-zuid (pbk4)</i> after debate in both parliaments
1997	Detailed elaboration and design of the route in <i>Tracéwet</i> procedure
1998	Planning consent with regional and local authorities in <i>Tracéwet</i> procedure
1998-2005	Construction phase of <i>HSL-zuid</i>
2001	Decision on the right to operate the high-speed train service, granted by the ministry of Transport



**Map 2** - The Dutch section HSL-Zuid of the high-speed rail network

considered. This link was, in turn, deemed only to be cost-effective when it could be extended to Cologne. In the specific context of Belgian politics, the inclusion of Liège, which is a Walloon city, meant that Antwerp also had to be included to ensure that Flemish received equal treatment. Along the same lines of commercial viability, this was the last hurdle that needed to be overcome in order to include the link to Amsterdam in the plans. In 1986, a feasibility study was completed on the PBKA, the high-speed rail link between Paris, Brussels, Cologne and Amsterdam. At a later stage, 1989, London was included, completing the contours of the PBKA-L project when the United Kingdom and France reached an agreement on the Channel tunnel (HSL-zuid, 1997; Berg, 1997).

The idea of the high-speed rail network is often seen as an attempt by the French to push the new train as a product of French industry, or as a French strategy to incorporate larger parts of Europe in the radial infrastructure network around Paris. But the plans were consistently promoted by the railway companies and discussed by the transport ministers of the countries involved. This evolved into a multi-lateral agreement between the transport ministers of five countries on the connection between Paris, Brussels, Cologne, Amsterdam and London. With consensus on the PBKAL between the countries, the project became one of the push-factors for the inclusion of the infrastructure issue in the common transport policy. In other words, the high-speed train and plans like the PBKAL supported the development of the concept of trans-European networks while the concept of trans-European networks put the PBKAL in a broader frame.

At this stage of multilateral agreement on this particular project, the efforts moved into the context of European policy-making. Relatively little effort was needed from the Dutch lobby to get the PBKAL into the first group of projects. The involvement of a large member state like France was a strong support in European policy-making. In later stages, the application of the co-decision procedure<sup>107</sup> for the guidelines on trans-European networks was advantageous for Dutch lobbying. The negotiations between the Commission and Council were opened up to the European Parliament, which meant that the Transport & Tourism (T&T) Commission was involved. Dutch members of the European Parliament were well represented in the parliamentary commission. Despite their efforts for active Dutch involvement in the policy process, they were not successful in pushing all the preferences at European level. The plans for a high-speed rail link between the Randstad and the German border, the *HSL-oost*<sup>108</sup>, were not included in the first set of priority projects. A lobby for the east-bound high-speed rail link as part of the German *ICE* network was undertaken, predominantly by regional business together with regional authorities. The lobby targeted Dutch central government, especially the ministries of transport and economic affairs, urging them to get the *HSL-oost* on the short list of priority

107 Joint decision-making between Council and European Parliament applied to common transport policy issues after the effectuation of the Maastricht Treaty.

108 Not the same as the HST-east as included in the priority projects, this being the connection between Paris-Metz-Strasbourg-Karlsruhe.

projects. Many regional authorities anticipated higher status for their infrastructure plans if they were included in the European list, though their aim essentially was to promote their project with central government<sup>109</sup>. When, in an attempt to speed up the realisation of the trans-European networks, the member states themselves demanded in the Council that priority projects be selected in 1994, the *HSL-oost* was considered to be less 'mature' than the *Betuwelijn* and *HSL-zuid*. *HSL-oost* did remain on the long-list of 35 'further projects of importance' in need of further research and preparation. Together with the *Betuwelijn*, the PBKAL project was a logical choice. The *HSL-zuid*, one of the five projects that actually belonged to the PBKAL, had the required status of 'mature'.

#### *Dutch decision-making on the HSL-zuid*

A complete range of issues for high-speed rail projects was included in the joint plan development stage by the national railway companies and transport ministries: the strategic choice to set up such a network, the functional technical design aspects, the preferred route for sections of the network (and border crossings), and the commercial economic viability. The decision-making process became more complex as the plans progressed and more issues were included. The changing context added to this complexity, nationally with the run-up to privatisation and the separation of the railway company in the Netherlands, and internationally with the emergence of the European Union as the institutional context for railway infrastructure and the rail transport market. The decision-making process in the Netherlands branched off into separate parts: the strategic choice for high-speed railways, the selection of the exact routes and design, and the decision on the actual investment for the construction of the railway and the funding. The focus here was on the strategic choice and the financial decision.

The strategic choice to make the *HSL-zuid* project part of the PBKAL was actually made several times: in a multilateral agreement between transport ministers (1989), in the selection of priority projects for trans-European networks (Essen summit 1994) and in the guidelines on the realisation of the trans-European networks (1996), and was further taken for granted in the Dutch decision-making procedure (1997). The choice for the formal decision-making procedure in the Netherlands reflected this fragmentation. The project funding was secured at an early stage in the decision-making process by a financial commitment from the special reserves of the natural gas revenues, the *Aardgasbatenfonds*, and in the multi-annual infrastructure investment scheme (*Waterstaat*, 1993). Additional contributions from the common transport policy for the new trans-European networks and private funding were also expected.

The strategic choice and the decision-making on the route would be based on a

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109 And not unsuccessfully. The inclusion of e.g. the railway link between Groningen and Hamburg led to a faster upgrade of a run-down one-way-track that crossed the scarcely used border. It also led to renewed interest in a partly new railway link between Groningen and Amsterdam, which in turn put this particular cross-border track in a different perspective.

The main efforts by the Ministry of Spatial Planning for the high-speed rail in the Netherlands took place so-called 'key projects'. These were ambitious redevelopment schemes for railway stations and their surroundings that swiftly arose in the cities where the high-speed train would purportedly stop; projects inspired by influential examples of redeveloped railway station areas, such as in Lille (France).

The projects were a continuation of the redevelopment of railway station areas that was promoted earlier in the Dutch spatial policy. In the so-called ABC policy, areas with good public transport access were selected and promoted as A-graded sites for residential and office development. The aim of this policy was not so much job-creation by developing potentially economically viable sites, to reduce automobility; it was not particularly successful in this respect because the preferred sites for office development remained along motorway exits (Martens, 1999).

The railway company NS had established a subsidiary to manage its real estate, *NS Vastgoed*. This privatised (albeit 100% state-owned) company formally owned the railway stations and much of the surrounding terrain. The projects were developed in public-private partnership between *NS Vastgoed*, often together with local bus companies, the municipality and private developers. The development of private parties, notably for the development of residential and office areas, also sought to cover part of overall costs.

Yet, the key projects were not exactly an explicit strategy in the national spatial policy to promote e.g. the maximum benefit of the new high-speed train links. It was predominantly the solution to a problem of making an acceptable selection from a long list of projects submitted by local authorities for a scheme for the update of national spatial policy (VROM, 1998a; VROM, 1998b; VROM, 1998c). The high-speed railway station areas seemed a good idea as any other, and these particular projects fulfilled many other possible criteria as well. Only the central station of the Hague and Breda were eligible as well in the end, even though they would not be a high-speed train stop. In the case of the Hague, it was meant as consolation for the unsuccessful lobby to be included in the *HSL-zuid* route. In the case of Breda, the reason was that it is not a stop for the high-speed train but that it is located on the route of the high-speed railway that eventually can be used for a new 'shuttle train' between all Dutch cities on the *HSL-zuid* route.

combination of the national spatial planning resolution, *planologische kernbeslissing (pkb)*, and the procedure laid down in new legislation for large new infrastructural projects, the *Tracéwet*. The first part of the strategic decision was indicated in the full range of relevant national spatial planning, transport and environmental policy documents<sup>110</sup>. Apart from these indicative schemes, taking a separate *planologische kernbeslissing (pkb)* for the *HSL-zuid* project was considered appropriate<sup>111</sup>. Such a project decision is not binding. Therefore, for the speedy finalisation of the decision-making on the route of the Dutch section of the PBKAL, a decision was taken to

110 Vierde Nota Ruimtelijke Ordening Extra (Vinex), Structuurschema Verkeer en Vervoer 2, Nationaal Milieubeleidsplan (NMP+ en ontwerp NMP-2)(Waterstaat, 1994).



apply the new legislation of the *Tracéwet* that was adopted in 1994<sup>112</sup>. The strategic part of the decision was whether or not to link up with the high-speed train system, and, if so, whether this would be a fully fledged high-speed link. The latter was a question of the desired maximum speed (160 km/h or 200+ km/h) which set limitations on the route that could be chosen. Thus, the *planologische kernbeslissing* on the Dutch section of the PBKAL also concerned the outline of the route, imposing crucial stretches and elements such as the border-crossing point with Belgium and tunnels or bridges. The strategic decision eventually favoured a completely new high-speed railway line. The argument for high-speed rail consisted of several strands, but leaned predominantly on a claim for maintaining a competitive business environment in the Netherlands. This argument was elaborated in all stages of the decision-making process in terms of the Netherlands in its wider European spatial and urban context (Tweede Kamer, 1996a; Tweede Kamer, 1996b; Tweede Kamer, 1996c; Waterstaat, 1997). This argument referred to the importance of infrastructure networks for the operation of the internal market and to the efforts being developed at European level for the realisation of the trans-European networks. Remarkably, there was neither an explicit reference to formal international commitments, nor to the purport of European guidelines for the trans-European networks whereby the Netherlands, as one of the subscribing member states, had agreed to do its utmost to contribute to its realisation. The argument of competitiveness was, with a view to the high-speed train link with Schiphol airport, supported by the argument to promote a shift towards environmentally-friendly modes of transport. No reference was made to the argument of job-creation, which

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111 The national spatial planning key decision, the *planologische kernbeslissing*, normally concerns the national spatial plans, or national schemes with locational aspects for other policy fields. Art. 2 of the national spatial planning act, *Wet Ruimtelijk Ordening*, foresees that the instrument can also be applied to a specific issues or a project of national importance. The procedure four stages and includes public participation. A proposal (*pbk1*) is drawn up by the responsible ministers and is presented to parliament and published. Environmental impact assessment is obligatory for concrete projects. All public reactions and official advice is presented in a report (*pkb2*). The ministers and the cabinet present their points of view and the changes in the proposal (*pkb3*), after which the proposal is discussed in parliament. After approval by Parliament the final plan is settled (*pkb4*). Also for a concrete infrastructure project this is an indicative decision, which becomes a binding decision on short notice after the procedure of the new *Tracéwet*. (CEC, 1999d).

112 The new *Tracéwet* provided for decision-making procedures on the route for new infrastructure, in particular, roads, waterway and railways. It aimed to speed up the decision-making process by combining the stages for public participation and environmental impact assessment otherwise required by other legislation, such as spatial planning. The final stage, in which planning consent by regional and local authorities was obligatory under the *Wet Ruimtelijke Ordening*, was included in the *Tracéwet* with a view especially to the *HSL-zuid* and *Betuweroute*. In the early 1990s central government sought to strengthen its position in planning procedures for these large new infrastructural projects (Pestman, 2001).

remained important to the concept of trans-European networks in the European policy, especially to the Council.

The main focus of Dutch decision-making was the choice of the precise route. Initially, this was the major point of negotiation between the Netherlands and Belgium. It took some time to solve as it fuelled the conflict about the lack of Dutch effort in dredging the riverbed of the Schelde which was hampering accessibility to Antwerp harbour. The conflict about the high-speed railway was resolved by guaranteeing a Dutch contribution of NLG 280 million to compensate for the extra costs incurred through a longer route on Belgian territory (Berg, 1997). The lack of communication on the route with local authorities and the public was also the main reason for the failure of the first proposal for the *planologische kernbeslissing* in 1991. The transport ministry tried to counterbalance this in later stages with an interactive approach, which came under heavy time pressure (HSL-zuid, 1997). Also, parliamentary interventions mainly concerned possibilities for alternative routes with less spatial impact, loss of landscape and natural value. Questions on the strategic choice were fielded by the ministers responsible, who stated that even public participation showed that there was a general feeling that the advent of the high-speed train in the Netherlands was a well-established fact: 'Tijdens inspraak bleek dat de komst van de hogesnelheidstrein naar Nederland vrij algemeen als vaststaand wordt gezien en ook nauwelijks ter discussie wordt gesteld' (Tweede Kamer, 1996d, p. 6).

The ministry of transport took the leading role in the decision-making process, although the ministry of spatial planning was kept informed. This is obligatory, as its minister is one of the ministers responsible for any *planologische kernbeslissing*. But the ministry of spatial planning saw no need to be involved in what it saw as technical and sectoral decision-making on the route. Only additional projects for railway station development were undertaken by the ministry of spatial planning (see insert). Also, the national railway company *NS* ceased to be a central actor in this phase. *NS* participated together with the ministry of transport in a public agency, the *HSL-projectbureau*. This agency was responsible for the planning, design and construction of the railway line. The railway company was one of the candidates in a later stage in the planned tender for operating the train services. The central role of the *HSL-projectbureau* added to the focus on the practical planning and design of the route, instead of a strategic decision. The comments on the lack of attention for a fundamental decision on the need and general benefit of the *Betuwelijn* were much stronger than for the high-speed train in the Netherlands (Pestman, 2001).

#### *The importance of the concept of trans-European networks for HSL-zuid*

The development of the PBKAL project also fitted into the Dutch policy development around infrastructural planning, spatial development and economic development. The core of this policy development was the emergence of a new policy concept for infrastructural development: the concept of 'mainports' (see Box 6.2). The concept followed from a simultaneous programmatic change in spatial planning, transport policy and economic policy in three ministries at the end of the 1980s. Introduced in

**Dutch 'mainport' concept**

- The promotion of economic development focuses on concentration around main transport nodes that are designated as *mainports*. Transport is seen as the motor of economic development, and the construction of infrastructure becomes the core of the spatial perspective on economic development and of economic policy;
- A strong position is attributed to central government, in particular in the context of international competition, the free market and globalisation;
- There is a focus on speed of mobility and transport and on decision-making on investment in infrastructural development (Pestman, 2001, pp. 57-58).

**Box 6.2 - Infrastructure policy discourse around 'mainport' concept**

1990 as a policy concept in the second *Structuurschema Verkeer en Vervoer*, the strategic policy paper of the ministry of transport, the 'mainport' concept addresses internationally important transport nodes in the broad context of road-, rail-, waterway-, and information-technology connections (Waterstaat, 1990). There are two such transport nodes of international importance in the Netherlands: Schiphol airport and the Port of Rotterdam. The impact of the 'mainport' concept in central government policy-making was supported by institutional developments (Pestman, 2001, pp. 58-62). New funding mechanisms, based on natural gas revenues, were fed into infrastructural development. It is also used as a further impetus for the simplification of decision-making on large infrastructural projects that were considered necessary for the 'mainports'. New legislation on decision-making procedures for the route of new infrastructure, the *Tracéwet*, made it possible to speed-up the planning of projects.

The debate in which the 'mainport' concept was formed was largely complementary to the debates at European level in which the concept of trans-European networks was formed. At the level of Dutch central government, the programmatic development that evolved in the mainport concept can be identified as a policy discourse. Though the 'mainport' concept complemented the debates at European level in which the concept of trans-European networks was formed, there was little explicit cross-reference between the two policy concepts; neither by the Dutch government involvement in the policy process around the trans-European networks in the context of the European Union, nor in the debates within the Netherlands on these new large-scale infrastructural projects. This was reflected in the support for the policy change to the ideas on 'mainports' in the Netherlands by the influential lobby of the transport and distribution sector. They did not specifically put forward arguments derived from international or European policy development or from the need for a Dutch contribution to the creation of European infrastructural networks. Instead, they emphasised the need for investment in infrastructure to sustain economic prosperity by conjuring up the prospect of becoming as peripheral as the north of Denmark. This was depicted as the 'Jutlandisation' of the Netherlands (Pestman, 2001, p. 57). The 'mainport' concept is a domestic policy

concept that addresses the growing mobility in the Netherlands and calls for measures to deal with the threats of congestion and the negative impact of transport on the environment. The seemingly contradictory aims to achieve economic development through infrastructural development and to reduce the environmental effects of increasing mobility converged in railway investment in particular<sup>113</sup>.

The efforts of Dutch central government to get the *HSL-zuid*, as part of the PBKAL, included in the selection of priority projects for the trans-European networks reflected the policy shift in the Netherlands towards improving the infrastructural connections with the two 'mainports'. Neither the concept of 'mainports', nor the importance that Dutch policy attached to the hinterland connections of Rotterdam harbour and Schiphol airport was explicitly deployed as an argument at European level. The Dutch section of the PBKAL, *HSL-zuid*, and the *Betuwelijn* freight railway were priority projects for the complementary concepts of trans-European networks and mainports. There were some differences in the cases supporting the need for investment in infrastructure.

European policies placed a strong emphasis on the direct effects of infrastructure investment on employment. In Dutch transport policy, investment in infrastructure was seen as a functional issue for improving the links to the centres of economic activity. The trans-European networks were also perceived in this way in the Netherlands. The construction of a high-speed rail network was promoted in plans by the Dutch railway company in terms of the need to be fully linked to the network, also as an integral part of the renewal and improvement of the Dutch railway system (Spoorwegen, 1988). Even the main advisory board of Dutch central government on social and economic affairs, the *Sociaal Economische Raad (SER)*, concentrated on the need to address functional transport issues in the common transport policy (SER, 1993). The board emphasised the importance of dealing with missing links at European level, as well as the need for technical harmonisation and standardisation, and for technical progress in transport systems from an environmental point of view.

As far as the *HSL-zuid* was considered as part of a European infrastructural network, the Dutch railway company and its subsidiary for the high-speed train, *HST-VEM*, were not convinced of the need of a comprehensive European policy. Something as abstract as trans-European networks did not appeal greatly to them, being the enterprise that runs the actual passenger service. In their view, a train service is generally used by travellers for only a part of the route. Only a fairly small share of the passengers is actually expected to travel from Amsterdam to Paris; most of the capacity will be used for travelling part of the route, e.g. from Amsterdam to Antwerp or from Rotterdam to Brussels. The railway companies stressed that each part of the PBKAL route would need to make an economically viable train service possible.

The railway companies emphasised that they were developing a new transport market that needed to compete with other modes of transport, such as air and

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113 See also Nederlandse Spoorwegen (1988).

private transportation. This also proved something of a struggle within and between the European railway companies when they needed to agree on the scarce rail capacity in their annual conference on rail capacity and international timetables. The representatives of the joint venture for the high-speed train service on the PBKAL (which was called *Thalys*) were positive that a bigger market could be won for their high-speed train services, but the available 'free' capacity on the existing railways was limited, especially in the Netherlands where on most routes two-way tracks already needed to accommodate intercity trains, local trains and freight trains. The main interest of the *HST-VEM* throughout the decision-making was the prevention of further delays in the construction of the railway line. Every opportunity was grasped to explain the position of the Dutch railway company subsidiary in its struggle to run this new, economically viable train service, both with the national ministries and directly with the Commission.

*The network committee forms the pivot of the policy process*

Around the development and construction of infrastructure, a policy process is evolving that to a considerable extent is based on mechanisms of information exchange on the progress of the infrastructural projects that build up the trans-European networks. This policy process is grounded in several ad hoc meetings, working parties and committees that were brought together, directly or indirectly, on the initiative of the Commission. Most striking is that a range of different types of committees of member state officials and Commission officials or advisory committees with experts from each of the member states played a substantial role in co-ordinating and implementing European policy<sup>114</sup> (see Figure 6.1). The national

**High-Speed Train Paris-Brussels-Cologne-Amsterdam-London**

British section	London - entrance Channel tunnel
Belgian section	French border-Brussels-Liège-German border
	Brussels – Dutch border
Dutch section	Belgian border – Rotterdam – Amsterdam
German section	Cologne – Rhine-Main region

**Box 6.3 - Priority project PBKAL: five projects**

<sup>114</sup> Committees are often established in the European Union to carry out delegated tasks initially assigned to the Commission. There are several forms of committees, such as advisory committees, committees of officials and high-level committees of representatives of heads of state and government. This diversity of committees was found in the European policy for the trans-European networks. Detailed procedures were adopted for these various types of committees that made provision for the way the decisions taken in the committees were effectuated by the Commission, the Council and the European Parliament. Within committee meetings themselves, the same ratio of votes is applied generally between the member states as in the Council. For the common transport policy this is a qualified majority vote.

transport ministries were closely involved in the development of the policy on trans-European networks, and were represented in frequent, often weekly, meetings in Brussels after its formalisation. The various committees were established in something of an ad hoc manner whenever an element of the realisation of the trans-European networks required member state involvement and expertise, or independent expertise that was not available in the Commission staff. Obviously, the Christophersen group was important as one of the first committees in this series. But soon after adoption of the guidelines for the trans-European networks, another committee was established which forms the formal core of this policy arena around trans-European networks: the 'network committee' or the 'Article 18' committee<sup>115</sup>.

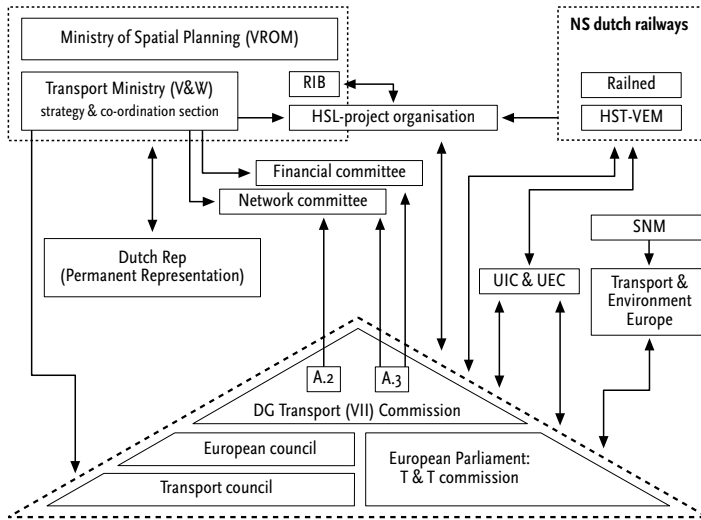
For the Dutch ministry of transport, an official from its 'strategy and co-ordination' section attends this network committee. This section of the transport ministry normally deals with European and international issues that required consultation between various parts of the Transport Ministry itself and with other ministries at central government level. This section was therefore also responsible for trans-European networks, since the concept covered several types of infrastructure that affected issues handled by different parts the Transport Ministry, such as passenger transport, freight transport, air transport, and with other ministries, such as physical planning and economic affairs.

Much of the efforts of the transport ministry representative in the network committee concentrated on the two projects, which marked the main Dutch contribution to the realisation of the 14 priority projects that make up the trans-European networks: the *Betuwelijn* and the Dutch link to the high speed railway network *HSL-zuid*. These two projects formed the most conspicuous link between Dutch policy processes on infrastructural development and the trans-European networks. The *Betuwelijn*, an almost completely new freight railway between Rotterdam harbour and the German Ruhr area, was one of the so-called 'combined transport corridors' of the trans-European networks. It was an almost exclusively Dutch project, apart from the need to upgrade a small section of German railway line. The other project concerned the Dutch link to the high-speed railway network: the PBKAL project for the high-speed railway between Paris, Brussels, Cologne, Amsterdam and London (see Box 6.3).

The Dutch Permanent Representation (informally 'Dutch-REP'), which is the Dutch embassy in Brussels, effectively secured strong Dutch involvement in the policy processes on trans-European networks. The main task of the Permanent Representation in Brussels was to guide all formal Dutch communication into the European procedures, and to represent the Netherlands in the Coreper meetings, in which all Council decisions were prepared. The Dutch representative and deputy representative are diplomats, who attend the Coreper I and II meetings in which all

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115 The name refers to Article 18 of the Council Decision in which the guidelines are laid down for establishing this committee: de lidstaten stellen de Commissie op gezette tijden in kennis van de nationale plannen en programma's... Bij de Commissie wordt een comité voor het Europees vervoersnet ingesteld...' Decision 1692/96/EC, art. 18 1-3.



**Figure 6.1** - Network of actors around HSL-Zuid and TEN's

the Council decisions are prepared. A sizeable staff of experts assists them. Like the other Dutch ministries, the ministry of transport has placed some of its own officials among the staff of the Permanent Representation in order to add expertise on transport and infrastructure issues. Whenever officials of the ministry come to Brussels for the network committee meetings and other meetings on trans-European networks, the Permanent Representation functions as a first stop. The Permanent Representation maintains various formal and informal contacts within the Commission staff and representatives of the other member states on the transport policy and on all issues related to the trans-European networks.

Most important are the contacts that the Permanent Representation maintains with the staff of Directorate-General VII for Transport, in particular with the 'desk officer' who deals with the Dutch priority projects. The successful maintenance of such contacts also depends on the commitment and expertise of the Commission's staff. As a national expert from one of the other member states that was familiar with infrastructural issues, this particular desk officer greatly helped the Dutch Permanent Representation to stay closely involved in and informed of internal procedures and the progress of the policy process within the Commission. The success of further informal contacts, often realised through lunch invitations and attendance at receptions, obviously depended on personal relations. But also in these contacts, the extent to which the desk officer took a pro-active approach to being kept informed of the progress of projects mattered a great deal. The strengthened involvement of the European Parliament, arising from the co-decision making on the common transport policy, meant that the Permanent Representation also needed to stay abreast of what was happening. With many of the Dutch MEPs actively participating in the Transport and Tourism (T&T) Commission of the European

Parliament, it was easy for the Dutch Permanent Representation to stay in close touch with the standpoints of the various political parties towards the trans-European networks. The Dutch officials involved even christened their close mutual relations in the European policy process the ‘Dutch transport mafia’.

The Dutch efforts to maintain intensive contacts within the European Union bureaucracy were strongly focused on Section A.3 of the Commission’s General Directorate VII for Transport. This is the section responsible for monitoring the progress of the projects, i.e. the priority projects. Both Dutch priority projects, which commanded most of the attention in the policy process, concerned railway lines. Therefore, intensive contacts were also maintained with the B2 section of General Directorate VII, as this was the section responsible for railway affairs. An important part of the contacts between Commission officials and the Dutch Permanent Representation concerned clarifying the European legislation on infrastructure, such as technical and financial legislation. The main part of the contacts concerned information-sharing on the progress of a range of smaller parts of the two Dutch priority projects and of the decision-making on the projects as a whole. Lastly, the Permanent Representation maintained as close contacts as possible with the cabinet<sup>116</sup> of the Transport Commissioner. The Commissioner’s personal staff was a continuity factor in the trans-European networks policy in which proposals for decisions and draft documents often received their final form. By maintaining these contacts within the various sections of the European institution, the Permanent Representation helped to bring the points of view and the expertise of the Dutch ministry at the right time and place into the formal and political processes of decision-making.

The network committee can be seen as the pivot of a policy process in which many decisions, aspects, projects, problems and issues related to the trans-European networks are discussed (see Figure 6.2). The network committee has no formal say in any of these issues. Nor does it have any formal right to advise the commission. The member states agreed to notify the Commission of the national plans and programmes which they have drawn up for the development of the trans-European networks<sup>117</sup>. This makes it a natural thing for the member states to come to Brussels and discuss things whenever the Commission asks them to. The network committee’s role is formally limited to ‘informing’, ‘discussing’ and ‘assisting’ the Commission’s efforts in the realisation of the trans-European networks.

#### *Monitoring progress and mobilisation of expertise via ‘network committee’*

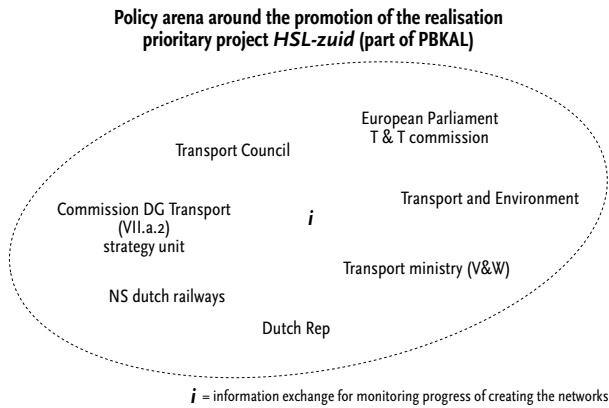
The guidelines on the trans-European networks require the Commission to report every two years to the Council and Parliament on the progress. As a standard

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116 The cabinet is the personal staff of a Commissioner. These cabinets play a crucial and partly informal role in preparing the European political decision-making process. The Commission and their personal staff are located in their own office building in Brussels, separate from the General Directorates for which the Commissioners are responsible, forming the first political platform for decision-making.

117 Decision 1692/96/EC, art. 18 of the ‘common provisions’





**Figure 6.2** - Policy (sub)arena around TEN's

procedure, an evaluation and a review of the trans-European networks would also be conducted every five years, including the list of projects<sup>118</sup>. This meant that the first evaluation and review of the guidelines was already expected, three years after the adoption of the guidelines, in 1999 which was the start of a new budgetary period. But with elections for the European Parliament on the horizon and a new Commission entering office in 2000, it was soon decided to postpone the evaluation until after 2000. This was not only a practical decision on the part of the Commission to wait until the new political balance was set and priorities in the Council and Parliament had become clear; it was also related to the fact that Commission had no new ideas at such short notice for a review of the policy for the trans-European networks. The first progress report was nevertheless demanded by the Council and Parliament two years after the adoption of the guidelines.

This progress monitoring proved a difficult task for the Commission. The first problem was the timetable for a concept like trans-European networks. The priority projects easily had a time horizon of 10 years, and for the networks as a whole, completion would effectively take 20 years or more. Yet, the Council and the European Parliament demanded the first progress update in 1998. At this stage, a report on the implementation of the guidelines could only cover procedural issues: the structure of network committee and the information exchange on the progress of current projects, and the funding mechanism geared to priority projects.

Another problem was that the policy unit<sup>119</sup> of the Commission's General Directorate VII for Transport, which was responsible for monitoring progress, only had a limited overview of infrastructure development planning, the infrastructure investment programmes of the members states and actual infrastructure projects. It had never had such information at its disposal and the Commission had no

<sup>118</sup> Decision 1692/96/EC, art. 18, 21

<sup>119</sup> General Directorate VII, section A.2

expertise on these issues in its own ranks. National experts<sup>120</sup> working temporarily with the Commission could only partly bridge this gap. It was the task of the network committee to support the Commission in preparing the progress reports. The main problem facing General Directorate VII when compiling the report was getting data from the member states. The Commission had not hired external consultants for this task, with the idea that they would be as dependent as the Commission itself on data from the member states. To be able to manage information on infrastructure and to relate it to the realisation of the trans-European networks as a whole, General Directorate VII started to build a framework for a geographic information system database. But the problems in obtaining accurate data made this difficult.

In order to obtain data together for the progress report, the member states were urged to exchange information on all relevant developments in their infrastructural policy on the trans-European networks by means of a questionnaire. Despite the efforts of the network committee, the quality of the data that was submitted varied considerably. Some member states were somewhat reluctant or unaware of the need to actually come forward with general data on their infrastructural planning procedures and programmes. The newness of the field of action at European level was reflected in the problems around the questionnaire. Member states filled it out differently, reformulated the questions, pretended not to have received it at all, or sent back massive reports on their policies. Obviously, each of the member states had its own practice of infrastructural programmes that seldom referred explicitly to the European guidelines. On the other hand, as far as the priority projects were concerned, obtaining data was easier. Most of the 14 priority projects were already of

The investment made by the three, and later when the *Deutsche Bundesbahn* participated, four railway companies was substantial. The trains bought for the Thalys were far more expensive than normal TGVs with one train costing as much as NLG 70m. The electric engines were specially adapted to be able to run on French, Belgian and Dutch tracks, which all have different safety systems and voltage. The French use 15000 Volt, the Belgians 3000 Volt and the Dutch 1500 Volt. Previously, an international train would need to change engines on the border causing much delay. These differences had historically grown and it was not possible to change things, as this would require adaptations to all existing trains, which could not be done overnight. High Speed Trains partly use conventional tracks, or at least should be able to use conventional track in case of emergency or malfunction. For the Thalys initially 10 were bought by the three, later with the Germans in, another 17 were bought suitable for four voltages. A profitable operation on the basis of this investment was fully dependent on maximum use of this train capacity, which meant letting it run as often and as fast as possible between Paris and Amsterdam.

120 Part of the Commission's official staff are national civil servants who are temporarily seconded to the Commission.

importance to existing national infrastructural policies, such as the Dutch priority projects PBKAL and *Betuwelijn*. Therefore, data on these projects was easier to find for the Commission in the overviews of the Dutch infrastructural programmes, even without explicit mention of European guidelines. To the regret of the Commission, there was little possibility of forcing the member states into a more co-operative stance in this respect.

Part of the difficulty in obtaining data on the progress of the networks was that the Commission and the member states tended to look at the trans-European networks differently. For the Commission, the concept of trans-European networks had become the flagship of the common transport policy. The Commission's General Directorate VII for Transport tended to relate as many activities as possible to the trans-European networks in its progress reports. The member states, if represented at political level in the Council or at the level of transport ministry officials in the network committee, were most interested in the set of projects that contributed to building the trans-European networks, in particular the priority projects.

*Additional contacts around projects provide information and expertise*

The first, brief progress reports of the Commission to the Council mainly concerned the list of priority projects (CEC, 1997e; CEC, 1998e). These reports stated for the Dutch projects that the *Betuwelijn* and the PBKAL were among the group of projects due for completion in 2005. The construction of the *Betuwelijn* would start in June 1997. The construction of the Dutch section of the PBKAL was in an advanced stage of preparation, in which the route of the railway between Amsterdam and the Belgium border was being determined. The Commission continuously attempted to broaden this perspective into the risks and opportunities for the creation of infrastructural networks as a whole, instead of the realisation of a modest 14 projects. One of the main issues was that public funding was by no means sufficient to *get all* the projects constructed, and that the realisation of the networks as a whole needed private investment. In all the reports, the Commission referred to another high-level group, which was established and chaired by Commissioner Kinnock for Transport and which had studied the possibilities of public-private partnership investment in infrastructure. The report emphasised the willingness of member states to start experimenting with and elaborating on ideas developed by this high-level group (CEC, 1997b). The Commission was therefore also keen to report that the Netherlands was considering public-private funding, aiming at 20% private investment for the Dutch section of the PBKAL (CEC, 1998e). The PPP study covered some of the priority projects in sub-groups, in particular high-speed rail. But other projects related to the trans-European networks were also taken into account, such as light rail (CEC, 1997b).

The Commission's wish to be informed of the progress of the priority projects thus extended to all initiatives related to the realisation of the networks as a whole, as well as to the various single projects that concerned sections or elements of the priority projects. Besides, for its task of monitoring progress and preparing reports, this flow of information resulted in a distinctly active approach altogether from the

Commission. Keeping an overview at European level of all the actions related to the realisation of the networks formed the basis for various initiatives to support the realisation of the priority and other projects and solve any problems. Also, the network committee was eased into playing an active, co-ordination role for the Commission. With a view to national level, the member state officials represented in the committee had a co-ordinating role within central government as well. The Commission took various initiatives on the basis of the information it had gathered on the progress of projects and the search for insight into the current planning and infrastructural development issues in the member states. Experts, other representatives from member state ministries, railway companies, and consortia for the construction of infrastructure were consulted and, when necessary, came together in Brussels to solve particular problems. Apart from issues relating to funding and the creation of opportunities for public-private partnership, these also concerned technical issues such as railway safety systems.

Whereas the network committee is the platform for regular consultation on the progress of the realisation of the trans-European networks, there was often a need for additional consultation or negotiations for which separate meetings were organised by the Commission. With the new provision in the Treaty on the trans-European networks and the guidelines in place, the Commission was in a position that was generally accepted by the member states and others to take the initiative for such meetings. The main task of the network committee was to monitor the progress of projects that contributed to the realisation of the trans-European networks. This offered the Commission the opportunity to act whenever concerns arose about lack of progress on a priority project or on parts of it. Commission officials of General Directorate VII arranged additional meetings. The regular meetings of the network committee and additional meetings are either organised on initiative of the Commission, or at the request of the member states. These meetings satisfy a need for additional details on progress, funding and the allocation of public budgets. But information was also exchanged by various parties, in face-to-face contact, and in negotiations on problems with the progress of projects. When the guidelines had been drafted for the trans-European networks and directly after they came into force, these meetings were already concentrating strongly, as far as the Netherlands was concerned, around the Dutch section of the PBKAL and the *Betuwelijn*.

The railway companies welcomed the active interest in decision-making procedures and project monitoring by the Commission as a new opportunity to influence the progress of the projects in which they had a stake. The European railway companies established the *Union Européenne des Chemins de Fer (UEC)* to step up lobbying at European level, in particular with the Commission and the European Parliament. This was the new exclusive European branch of the international railway union *Union Internationale des Chemins de Fer (UIC)* in which railway companies previously reached their international agreements on international train services and technical matters. The lack of progress on the *HSL-zuid* was a growing problem for *HST-VEM*, the Dutch railway subsidiary that

participated in the high-speed train service between Amsterdam and Paris (see insert). Throughout the process, decision-making on the *HSL-zuid* in the Netherlands was delayed time and again, so that it took much more time before the actual construction of the railway line started to a point way beyond what was initially agreed with the ministry of transport. Whereas the ministry was predominantly concerned with alternative routes, planning permission, public hearings and such, the *HST-VEM* operated as a private company with investments and a duty to its shareholder (the same ministry on behalf of the state) to generate returns on these investments. The longer it took to complete the construction of the new railway, the less profitable the Thalys would be for *NS*.

The *HST-VEM* made a determined effort to convince the Commission in Brussels and Dutch central government of the need to complete the railway quickly. The investment that was needed for participation in the joint venture with the French, Belgian and German railway companies for the Thalys – predominantly the massive investment needed to buy the trains – came from the ministry itself (see insert). It was all set up with a view to a new, separate railway line. The main issues stressed by *HST-VEM* concerned the precondition needed to run trains that delivered a competitive level of reliability and high-quality service. This was a separate high-speed railway line which would provide the infrastructure for the desired high speed and the additional railway capacity that was needed for it.

#### *Central position for the Commission*

Despite strong Council involvement, the Commission exercised a growing influence on the infrastructural projects on the basis of the guidelines for the trans-European networks. Once the selection of priority projects was undertaken under supervision of the Council, the Commission took a close interest in the progress of these projects. For the PBKAL this meant the progress of the five sections. In the final phase of drawing up the guidelines and selection of the projects, the Commission kept stressing the balance between investment in passenger transport and infrastructure and freight in meetings with the member states. Rules of thumb of transport policy, such as ‘passengers vote – containers don’t’ explain the general preference for high-profile priority projects like the high-speed trains in the political process of decision-making by the member states in the Council, but such rules appealed less to the Commission.

Informal meetings were arranged by the Commission apart from the regular network committee meetings which were attended by representatives of member states involved in the PBKAL, railway companies, and other participating organisations, such as the *HSL-projectorganisatie*. At some stages, shortly after the priority projects were selected, monthly meetings were held in Brussels to monitor the progress of the project in the various Council working parties, Commission working parties, and expert meetings. The policy arena around trans-European networks was established at a stage of the implementation process of the concept of trans-European networks that concerned mainly the promotion of a speedy realisation of the priority projects. The intentions for corridor analysis and strategic

environmental impact assessment proved less influential than the environmental action groups had anticipated. The insertion of an article on environmental protection into the guidelines<sup>121</sup> was the result of a subtle alliance between the joint environmental action groups of Transport & Environment (T&E) Europe and the Transport and Tourism (T&T) commission of the European Parliament. The idea was that a corridor analysis of the infrastructure networks certain to be included in the annexes would lay a basis for a debate on possible alternatives.

Although the Commission had taken seriously the initiatives to develop a method for strategic environmental impact assessment, there was little direct effect on the monitoring process. The step-by-step approach to the realisation of each of the priority projects again dominated the overall perspective. Furthermore, the European Parliament was less directly involved in this stage of monitoring progress. The information exchange took place between member states in the network committee, presided over by the Commission. The close contacts between member state experts from transport ministries, organisations involved in the construction of infrastructure such as the *HSL-projectorganisatie* and the companies that would operate train services such as the *HST-VEM* made it more difficult for environmental action groups to participate. Many redirected their efforts to the central government tier, such as the Dutch representative from *Stichting Natuur en Milieu* (SNM). There, they concentrated on decision-making on the various projects, such as the precise routes for a high-speed railway line, and they shifted their focus in the discussion to the urgent need for high-speed trains and the environmental benefits of a possible modal shift from air traffic to high-speed trains.

The planning of the route of the high-speed railway between the Netherlands and Belgium took place in a joint attempt to choose the best option in terms of nature, landscape and the environment. The eventual decision on the preferred route included compensation from the Netherlands to Belgium for the extra length of the route on Belgian territory and the additional costs this brought. From the perspective of corridor analysis, this was the type of decision-making that environmental action groups wanted to see included in the operation of the concept of trans-European networks. The main disappointment lay in the lack of focus that is called for by the concept of trans-European networks in the discussion and decision-making on the actual effect of infrastructural investment on economic and social situation. The belief that additional employment would result from large-scale investment in infrastructure, which was expressed in the concept of trans-European networks, remained uncontested in further decision-making, particularly in the Europe-wide priority projects.

#### *Policy arena around European infrastructure projects*

The concept of trans-European networks contributed to the establishment of what can be identified as a transnational policy arena around the planning, decision-making and progress monitoring of a range of infrastructural projects (see Figure 6.2). In this case

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121 Art. 8, Decision 1692/96

of high-speed rail, there was an existing, international or multi-lateral policy arena that has changed in the context of European Union policy-making into a transnational policy arena around trans-European networks. The processes of negotiation and agreements between national authorities and between the railway companies were structured somewhat and brought into the context of European Union policies. The development of the concept of trans-European networks was undertaken in various 'high-level groups' which made the central government expertise of member states and railway companies available for the European policy process: private actors with close links to the public domain, such as railway companies that operated both individually and jointly. Private actors were closely involved through lobbying activities as well as in working parties. The transnational character of the policy arenas was strengthened by non-governmental organisations, which normally operated at national level and had started operating jointly at European level. Later, a network committee was set up on

**Policy (sub)arena around monitoring progress of the trans-European high-speed rail network**

Composition	<p>Central government representatives, in particular of the transport ministries and experts at the permanent representation who were closely involved with the Commission officials, in particular from DG VII strategy section (A.2), sought to ensure the flow of information from the member states into regular meetings of the network committee and if necessary ad hoc meetings.</p> <p>The UEC was formed as the lobby organisation of the railway companies to participate in the European Union transport and infrastructure policy. Environmental groups also organised themselves at the European tier, but were less closely involved in the day to day decision-making.</p>
Selection & identification	<p>Decision-making on infrastructure remained a national affair, as the European guidelines held no formal obligations. Yet, it was generally accepted for the member states and other parties that the Commission and the European transport policy was involved in the infrastructure projects they were working on; also because national preferences such as those related to the Dutch notion of 'mainport' were included in the concept of trans-European networks. The 14 priority projects received most attention. The active Commission involvement in monitoring overall the progress of projects sought to secure the cohesion of the network as such.</p>
Interaction & exchanges	<p>For monitoring the progress of the networks all sorts of technical and procedural information on each of the projects, small and large, is exchanged.</p> <p>Expertise of transport ministries was addressed, but also of rail companies and other experts was sought to solve forthcoming issues. Exchange of ideas and experiences, such as on seeking a larger share of private funding.</p>

**Box 6.4** - Properties of the policy (sub)arena around trans-European networks

the basis of the guidelines. This network committee formed the formal basis of a transnational policy arena, in which European Commission officials, member states representatives, were involved directly.

The establishment of the policy arena around trans-European networks originated in the process in which the concept itself was developed, but also in the process of developing the PBKAL project. The concept of trans-European networks served as a general frame of reference for the representatives of the transport ministries and the Commission, which coordinated the realisation of each of the projects. The actual decision-making on the *HSL-zuid* remained within the Dutch infrastructure policy system. The formal decision-making on the actual construction of the Dutch section of the PBKAL, *HSL-zuid*, as well as on the *Betuwelijn* for combined transport, scarcely referred to the European guidelines. In the network committee, information on the progress of projects was gathered and disseminated with a view to monitoring the realisation of the trans-European networks as a whole.

There was a strong focus on the priority projects, but the lengthy procedures allowed enough time and attention for the other trans-European network issues: interconnection, multimodality and interoperability. The actors involved in the monitoring processes acknowledged that the policy on the trans-European networks was an ongoing process. After two years the first evaluation was conducted, even though it would take 10 or 20 years to build the infrastructure for the list of priority projects. A questionnaire to all member states had to produce the data on the progress of the networks for the Commission. But reports on project funding also fed information into the monitoring of the realisation of the trans-European networks as a whole. The first evaluation reports which came out of this indicated a stronger emphasis by the Commission on multimodality and interoperability that would feed into a white paper for the European Parliament and the review of the guidelines by the Council and the Parliament. The guidelines on the trans-European networks thus predominantly served a communicative purpose. There could not be a restriction on member states' decisions on whether or not to continue the planning and construction of certain infrastructural projects. The work of the network committee had clear areas of overlap with the work of the financial assistance committee. For the Netherlands it was the same government official that participated. The following paragraph will analyse the establishment of a policy arena around the funding of trans-European networks. This analysis focuses particularly on the relation between these policy arenas, in order to investigate whether and how these policy arenas were in fact policy sub-arenas around the realisation of trans-European networks.

## 6.4 Policy arena around European funding of infrastructure

The rapid formal introduction of the concept of trans-European networks in the common transport policy was closely linked to the Commission's continuous attempts to secure a community budget-line for infrastructure in the late 1980s and



early 1990s. Since 1984, the Commission had been compelled to scrape together the funding for the infrastructure it wanted within the general budget for the common transport policy via the normal budget procedures through the Council and the European Parliament. With a view to strengthening the effects of the single European market, General Directorate XV for the internal market within the Commission supported the General Directorate for transport in these attempts.

The concept of trans-European networks provides for the long-term perspective on European infrastructure, but also clearly pinpointed the lack of public funding possibilities as the crucial stumbling block for the improvement of European infrastructure and the construction of new infrastructure. The member states were not prepared to agree in the Council on forming a large European budget for infrastructure as proposed in Delors' White Paper on Competitiveness and Growth. Despite this, a new funding mechanism 'in the field of trans-European networks' was created in 1995<sup>122</sup>. This funding mechanism built on a previous financial instrument in the common transport policy. It secures further European involvement in the otherwise mostly nationally funded infrastructure projects and brought the decision-making on funding of these projects partly in the context of the realisation of the trans-European networks.

#### *New funding mechanism in the common transport policy*

After the Christophersen report was adopted, with the outline of the networks and the selection of priority projects, in 1995 the regulation for the funding mechanism was the first formal instrument for the realisation of trans-European networks. The 1995 regulation on the financial instrument thus formed one of the formal carriers of the concept of trans-European networks in European Union policy.

The regulation changed the existing European financial instrument for infrastructure and provided for a new framework for decision-making on European funding for infrastructure. Instead of the annual applications for project subsidies, it called for focus on a selection of projects. Previous attempts had been made in that respect with projects being certified as infrastructure of European importance by the Commission's General Directorate XV for the internal market. The General Directorate for transport resisted this involvement in its budget. Anticipating the change of Commission competencies in this field with the 1991 Maastricht Treaty, which formally included the trans-European networks in the common transport policy, the procedure had already been changed into three-year programmes with annual updates. With the new regulation, the budget is devoted exclusively to projects that are part of the envisaged trans-European networks. Despite the importance of the 14 priority projects, the whole of the of trans-European networks remain eligible for funding. Within the new procedures for funding, the annual subsidy rounds for infrastructure are continued. The Commission, i.e. General Directorate VII for Transport, is able to influence the European efforts by assessing

122 Regulation 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks. Later partly replaced by regulation 1655/99.

**Financial instrument for trans-European networks**

- Support given to any government agency or to private companies that somehow contributed to public transport services
- Support to projects of Community interest as selected in the guidelines on the trans-European networks
- Direct investment support for the realisation of infrastructure up to 10% of total investment
- Support given to studies, design, technical support measures to a maximum of 50%, of more if the member states agree
- Support for contributions to loans of EIB or EIF
- Generally, rules for support include the contribution of projects: to creating networks, to the creation of competitive transport services, whether environmental effects are taken into account, the social and economic effects, stimulating public-private partnership.

**Box 6.5 - General aims and rules of European funding for infrastructure**

project proposals submitted by the member states, before the European subsidies are granted to infrastructural projects. The Commission further tried to strengthen the idea of taking the whole of a network into account with the introduction of the Multi-Year Indicative Programme (MIP) for the period after 1999. From then on, the annual carousel for infrastructure subsidies is subject to stronger prior consideration over the overall contribution of a project to the trans-European networks.

Given the limitations of the budget for funding of infrastructure, it cannot be said that the trans-European networks are financed by the European Union. The direct Community support for a project is generally below 10%. Or in other words: financing 90% of the trans-European networks is a national affair. Still, the funding mechanism for infrastructure, as well as various other European financial sources provide for substantial funding possibilities for the trans-European networks. The largest source of European funding for infrastructural projects unquestionably is the Cohesion Fund. This fund was formed specifically for the least developed regions of the European Union; therefore, projects in these regions that were part of the trans-European networks also profit from it<sup>123</sup>. Furthermore, there are enlarged financial facilities offered by the European Investment Bank (EIB) and European Investment Fund (EIF). These provide loans and guarantees under favourable conditions for investment in infrastructural projects in the whole of the European Union, as well as in central and eastern European countries.

The development of the funding mechanism for infrastructure followed the lines of the same three debates in which the concept of trans-European networks was formed. There was a balance between the different views within the European institutions on the trans-European networks. In the Council, the member states pressed for a strong concentration of the budget on the 14 priority projects. Amongst

123 The eligible regions for the Cohesion Fund were determined in the European regional policy: the new German Länder, Portugal, parts of Spain and Italy, Greece and Ireland.

other provisions in the regulation, the Council insisted that a threshold of 75% of this budget be invested in projects of 'Community interest'. The Commission and the European Parliament were less committed to supporting only these projects, and preferred to focus on the realisation of the networks as a whole. The Commission did not find Parliament in a position to change the regulation, as it was the last piece of legislation for the common transport policy to be drawn up by the Council before the introduction of the co-decision procedure. The Parliament could only use its budget rights to lower the threshold to a maximum of 50% for priority projects. Lastly, the incipient involvement of the lobby of environmental pressure groups in the infrastructure debate on European level also focused for a while on the points of view of the European Parliament on the new budget-line. In various letters and meetings with members of Parliament they advocated shifting these infrastructural investments as much as possible into environmentally-friendly modes of transport, if possible away from the priority projects and with a Strategic Environmental Impact Assessment (SEA) as an obligatory condition for funding. These views were largely expressed by the Commission and the Parliament, which resulted in a threshold of 50% of the minimum share of the budget for railway projects and further incentives for developing SEA methodology.

The European budget for infrastructure was not considered vitally important by the ministry of transport in the Netherlands. There was, in general, little enthusiasm for stronger Community involvement in the funding of infrastructure. The Netherlands was initially opposed to the creation of a European budget for infrastructure, as the national budget provided the necessary investments. Yet, once the European funding mechanism had been created the Dutch attitude swiftly changed and the Netherlands started negotiating as much money as possible for Dutch projects. The main point of discussion in the end, the so-called 'maximum-minimum' option, which called for maximum expenditure on priority projects, but with a minimum of half of the budget on railway projects, neatly reflected similar preferences within the Dutch transport policy<sup>124</sup>.

#### *The significance of a European contribution to Dutch infrastructure funding*

Until around 1990, an actual Dutch high-speed rail link was considered slightly futuristic even though the Dutch railway company NS and the ministry for transport were developing serious plans for the PBKAL. The result was that funding for such a vast project was not considered necessary in the multi-annual infrastructure budget. When the PBKAL project entered its final phase, in 1989, and the transport ministers had even signed an agreement on its construction, its funding suddenly became an urgent matter. In the early phases of the project development there were worries about the commercial viability of a high-speed train service, but the experiences in France supported a more optimistic commercial perspective. Along

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<sup>124</sup> The national multi-year infrastructure budget in the Netherlands in 1998 provided for a 50% share of the national budget for public transport (mostly for rail). This was despite the fact that 75% of all traffic was road traffic with heavy congestion problems.

with the privatisation of the Dutch railway company *NS*, which was starting at the same time, there was an overriding belief in the possibilities of attracting private capital for the construction of the *HSL-zuid*.

The realisation of the Dutch section of the high-speed rail network on the basis of the multi-year infrastructure budget would be difficult, but help arrived in the form of a new national funding mechanism (Nederlandse Spoorwegen, 1988; Waterstaat, 1993; Pestman, 2001). The revenue from the sale of natural gas was used in the early 1990s to create a fund for public investment. From 1993, the *Fonds voor Economische Structuurversterking (FES)* made significant investment in 'structural economic improvement' possible. The co-ordination of these large-scale investments in infrastructure was undertaken by central government in an inter-ministerial committee: the *Interdepartementale Commissie Economische Structuurversterking (ICES)*. This committee of high-level officials of the ministries of economic affairs, finance, spatial planning and transport and the ministry of the prime-minister thus became the main platform for decision-making on major spatial developments with a strong focus on infrastructure. Decisions were taken directly in the cabinet, although the national planning commission retained its powers over the planning procedures on the funded projects. The high-speed railways to Brussels and Germany and the *Beutwelijn* benefited immediately from the new fund.

The progress in planning and design for the *HSL-zuid* high-speed railway line between the Belgian border and Amsterdam had progressed so much that the Dutch ministry of transport was sure of its construction, with or without European funding. However, the financial instrument for the trans-European networks was important enough for full participation in the funding procedures. Even if the European contribution to a single project were limited to a maximum 10% of the total costs, with a total investment needed for the *HSL-zuid* of some 7 billion guilders, it would still add up to a significant sum. For the period 1995-1999, an annual budget of roughly 500 million ecus was available which needed to be shared by 15 member states.

*Financial instrument triggers further active member state participation*

The Dutch ministry of transport felt certain that the selection of projects submitted by the Netherlands for funding was supported by requirements that favoured both priority projects and aims of the regulation, such as promoting a modal shift. The Dutch priority projects were mainly railway projects, and therefore the submitted proposals were expected to meet all the criteria or thresholds of the European regulation. The annual submission of projects led to a certain fragmentation in separate elements and made it difficult to take the overall contribution of the European Union into account for the whole of a project, such as *HSL-zuid*. Although there was no indication of the size of the European contribution, the ministry counted on European funding for some 8-10 % of the total investment. This was also actually included in the calculations for the *HSL-zuid*, for which, in the first instance, a European contribution of at least of NLG 350 million was provided for.

The *HSL-zuid* was submitted as a whole in 1991 for European co-funding,

requesting a contribution to the total investment of some 3 billion ecu. This European contribution to the project soon presented a problem, as actual expenditure was delayed because the project as a whole was delayed. This again caused stagnation in withdrawals of the European money. With the new regulation in place in 1995, the Commission decided against a further contribution to the *HSL-zuid*, because most of the money allocated to it from 1991 still had not been used. The Dutch ministry of transport was not used to working with the European funding mechanism, and initially misinterpreted the administrative procedures. A series of smaller project proposals needed to be defined separately and submitted annually.

With the procedure of granting subsidies annually to projects the direct relation to the 14 priority projects in the application of the financial instrument was eased somewhat. The list of priority projects was the leading criterion for the proposals and the Commission's assessment on funding. But besides priority projects, other projects (or parts of them) could be eligible for funding, as long as they met the criteria in the regulation. Obviously, the bulk of the expenditure on the projects came when the construction started. Before that, only studies could receive European funding. Therefore, parts of the technical design of the two lines were submitted as studies. Additionally, requests for feasibility studies and technical design studies were submitted for projects in the second and third group of 'priority projects' (CEC, 1998; CEC, 1998; CEC, 1998). The Commission sought to support the realisation of the PBKAL, and thus the *HSL-zuid*. The decision-making on a financial contribution in each of these smaller steps allowed the Commission to stress its preference for a strong focus on projects that contribute to the establishment of the networks as a whole. Later, when the ministry of transport was gaining experience in the use of European funding, it was able to employ the favourable Dutch point of departure with two priority projects, one part of the high-speed rail network and one of the multimodal network. This led to projects being submitted with a strategic view to increasing the Dutch share in the budget, e.g. with a proposal to investigate the set-up of a public-private partnership for the construction and exploitation of the *HSL-zuid* (another issue favoured strongly by the Commission). Besides the priority projects, the Commission tended to emphasise environmental issues and projects that focused on establishing and connecting networks, such as the development of traffic management systems.

The availability of European funding allowed construction to start ahead of schedule and the definition of construction projects helped to lay an adequate claim on the European budget. One major project concerned renovations to the railway station in the city of Leiden, for the high-speed train service between Amsterdam and Paris that was already operating on conventional railway. The renovations were necessary to allow swift passage until the high-speed railway that bypassed Leiden was constructed. Another project was the enlargement of the tunnel to the underground railway station at Schiphol airport, a project that fitted perfectly in the modal shift promoted by the Commission. The main emphasis of the Dutch proposals remained on the *HSL-zuid* project and the *Betuwelijn*. But with a view to a continued claim on European budget, also in the longer term when these projects

would be completed, feasibility studies and the development of alternative routes for the HST-Oost, the priority project high-speed rail connection between Randstad and Rhine-Ruhr, were submitted for European funding.

The financial assistance committee forms the formal pivot of a policy sub-arena. The task of this financial committee is to manage the budget: joint decision-making on grants and monitoring the expenditure from the budget. Within the Commission's General Directorate VII for Transport, the project unit<sup>125</sup> is responsible for the financial committee. This is a different unit from the 'strategy unit' that runs the network committee<sup>126</sup>. There is a 'desk-officer' for the Netherlands who is the Commission official that handled the applications for European funding and monitored the progress of the projects in the A.3 section. The Commission prepares the financial committee meetings by assessing the proposals that are submitted first. The financial committee, with all the member states present together with the Commission, decides on the grants<sup>127</sup>. This continuous series of meetings makes for a true carousel of plans and schemes in which a wide number of projects of the member states are discussed in the light of the European priorities. As there were some 100-200 projects each year, the funding mechanism contributed strongly to the intensity of contacts and information exchange between the member states and with the Commission with the annual rounds for granting European subsidies. The financial instrument for the trans-European networks thus contributed to the establishment of what can be identified as another part of the transnational policy arena around infrastructure in Europe (see Figure 6.3).

The Netherlands sent the same representative to both committees, adding to the continuity that helped build the personal network between the officials from Commission and the other member states around the issue of infrastructure at European level. The increased importance of the European transport policy in this field was new to all government officials, and to other parties involved. The continuity in representation strengthened personal contacts in Brussels and also supported occasional contacts for the preparation of meetings. These were often held between delegations of the Dutch ministry and Commission officials when additional explanation was needed on project proposals and when rules and regulations needed further clarification.

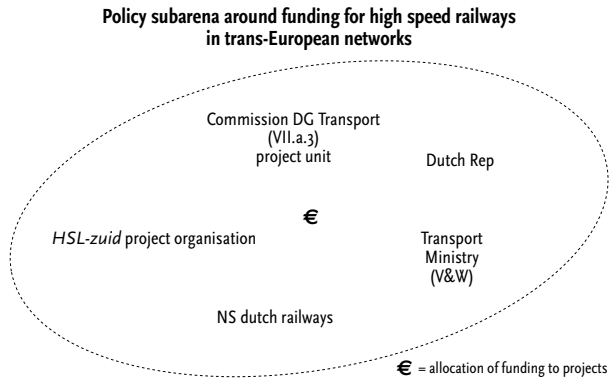
The exchange of information with the Commission on the projects was not just a matter of fulfilling the procedural funding obligations. The information in progress reports included details about the financial state of affairs, the time schedule, problems, and political decision-making on each of the projects that were receiving European funding. The desk-officer maintained direct contacts on the individual projects, i.e. with the *HSL-zuid* project organisation and the *Betuwelijn* project

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125 General Directorate Transport VII A.3; project unit

126 General Directorate Transport VII A.2; strategy unit

127 Decision-making procedures in these formal committees were similar to those in the Council. A committee decision is a recommendation that normally is accepted and confirmed unchanged afterwards by the Council, in this case the Transport Council.



**Figure 6.3** - Policy (sub)arena around TEN's

organisation, and regularly visited the projects. Also, the member states experienced at certain stages that they had an interest in keeping the Commission informed beyond the administrative procedures. Formal and informal meetings were also arranged between member state representatives, e.g. in connection with cross-border projects. The Commission was now involved as a third party, in particular in border-crossing negotiations, which had previously been a strictly bi-lateral affair. For the choice of the route for the border crossing of the PBKAL high-speed railway between the Netherlands and Belgium, the Commission was involved in organising meetings in Brussels and participating in the discussions. In the end, formal decision-making remained an exclusive affair for both member states. The participation of the Commission in preparing this formal decision-making on the actual construction of the railway was generally accepted in the light of the trans-European networks and the funding opportunities.

The ministry of transport also experienced domestic ramifications of a European financial instrument for infrastructure. Many regions were keen to see their infrastructural desires represented in every possible plan, long-list, short-list, and budgetary scheme. In the process of drawing up the concept of trans-European networks, the ministry of transport itself had made an effort to get elements included in the networks that were not at the top of the national multi-annual investment scheme in The Hague at that moment. The regional authorities saw the European funding mechanism as an additional reason to approach the ministry of transport and to continue taking steps towards the realisation of their regional infrastructural projects. Many infrastructural projects were being studied, or had even been fully planned for years, but were awaiting a move upwards in the financial allocations, in particular in regions outside the Randstad. The third list of priority projects (for further study) included the possible high-speed rail connection between Amsterdam and Hamburg partly as the result of successful lobbying by the three Dutch northern provinces of the Dutch minister Maij-Weggen (who came from this region) and the European Commissioner Bangemann (from Hamburg). The initial

idea of the Dutch ministry of transport was to ensure that the Netherlands had more projects in need of European interest and support as soon as the *Betuwelijn* and *HSL-zuid* were completed. The three northern provinces obviously saw no need to await that moment, and sought support for their ideal Magnetschwegebahn link between Randstad and Hamburg, which was in need of more technical and feasibility studies. The region succeeded in getting European funding in combination with the European ERDF regional fund and national co-financing for upgrading the existing and run-down one-way rail track between Groningen and the German border. Trains on that track which were unable to exceed 60 km/h without being derailed, could now run at an average speed of 80 km/h. This was not exactly a high-speed rail connection, but it would never have reached the top of the national priorities if it had not been labelled as part of the trans-European networks. Despite

Policy sub-arena around the financial instrument for the trans-European networks	
Composition	<p>Representatives of the transport ministries of member states and Commission officials from the General Directorate VII project unit (A.3) provided the regular basis for meetings in the financial assistance committee.</p> <p>Infrastructure policy officials at the Permanent Representation were closely involved in the informal preparation of meetings on funding. There was also direct contact between the Commission officials of GD VII project unit and project organisations, as well as additional contacts with transport ministry representatives, experts, railway company representatives in various ad hoc meetings, European Investment Bank representatives.</p>
Selection & identification	<p>Addressing the problem of the lack of public funds was part of the concept of trans-European networks. The financial instrument in the Common Transport policy was now concentrated solely on the trans-European networks.</p> <p>Funding of infrastructural projects remained a national affair, but 10% additional European funding secured intensive member state participation in European transport policy involvement in infrastructural development. The 14 priority projects were supported with 60-70% of the available budget, but active Commission involvement directed funding to many other smaller projects that built up the networks.</p>
Interaction & exchanges	<p>The annual rounds of requests for European funding.</p> <p>The intensity of contacts contributed to information exchange and monitoring the progress of the planning and construction of the priority projects, and of smaller projects that built up the trans-European networks. The Commission had additional, practical contacts with transport ministries, but also with regional authorities, railway companies and project organisations.</p>

**Box 6.25** - *Properties of the policy subarena around trans-European networks*



such regional successes, two lump sums from European funding went annually into the two Dutch priority projects, the 9 and the *HSL-zuid* in line with Dutch national and European Council preferences. The rest of the budget was divided over many, far smaller projects.

*Policy sub-arena around funding of trans-European networks*

The funding mechanism for the trans-European networks contributed to the establishment of a distinctly different policy arena (see Box 6.6). That said, there were close links with the policy arena around the guidelines for the trans-European networks. The same parties were involved, and in some cases, the same person. The funding mechanism also gave rise to a flow of information on the progress of a range of projects in the member states, and therefore on the progress in general of the trans-European networks. The member states reported to the Commission on the progress of the projects and on the trans-European networks. With the close link to the guidelines on the trans-European networks in general, and the 14 priority projects in particular, the funding mechanism contributed especially to information exchange on the progress of the priority projects, and provided the Commission with necessary data on their progress. One of the problems for the Commission in the network committee was getting the member states to submit adequate data on the infrastructural planning and progress of the projects relevant to the trans-European networks. However, the financial instrument was not used as a means to put pressure on the member states, in the sense that the strategy unit of the General Directorate VII for Transport (unit A.2) could ask the project unit (A.3) to withhold a grant for those member states because the questionnaire was not completely filled in or adequate data were not submitted. The Commission apparently is not in a position to use the common transport policy budget or the funding regulation in such a manipulative manner.

## **6.5 Liberalisation and interoperability for TEN's**

In the previous sections, two policy sub-arenas were analysed which were constituted around committees: the network committee and the financial assistance committee. These committees were established on the basis of two pieces of formal European legislation which were so-called 'carriers' of the concept of trans-European networks: a Decision with guidelines on the trans-European networks and a regulation for a financial instrument. Both these types of European legislation normally had few formal implications for the policy processes around infrastructure in the member states. But the attractive concept of trans-European networks and the increased dynamics in the policy processes around infrastructure at European level formed a new incentive for joint action.

One of the crucial problems identified in the concept of trans-European networks was that if all the elements for the creation of European level infrastructure networks were realised, a huge enlargement of available budgets for public

investments of the member states would be necessary. Despite the efforts by some member states in this field, this was not a viable option for Europe as a whole. One of the key elements of the concept of trans-European networks, therefore, was the search for more private participation in financing infrastructure. As the liberalisation of transport markets was seen as an essential precondition for attracting private investors, the efforts in this field were becoming more closely connected to the policy processes around the trans-European networks. And for the liberalisation of rail transport, a regulatory framework of harmonised technical requirements for railways and train systems is needed to allow various operators of train services to access the all parts of the infrastructural network. This is referred to as 'interoperability', which is one of the key themes of the trans-European networks. The Council Directive on the interoperability of the high-speed rail system, identified above as the fourth 'carrier' of the concept of the trans-European networks<sup>128</sup>, was therefore closely linked to this process of liberalisation. With a view to the realisation of a high-speed railway network the concept of trans-European networks thus contributed to the establishment of another two policy (sub)arenas, that formed around these two issues of liberalisation and technical interoperability.

*Liberalisation of the rail transport market: splitting 'trains' from 'tracks'*

The main thrust of the common transport policy has always been the liberalisation of transport markets. Though the single European market had been formally completed in 1992, there was in effect no free competition in all of the specific markets within this unified market because of regulatory or organisational contingencies. This was most noticeable in the rail transport market, with nationally operating railway companies which were either an almost integral part of central government institutions or government-owned national companies. The directive on the development of the Community's railways<sup>129</sup>, called for a process of liberalisation of rail transport.

The formal basis for the liberalisation of rail transport was laid down in a directive, and preceded the development of the concept of trans-European networks<sup>130</sup>. The aim of this directive was to urge railway companies "to adapt to the needs of the Single Market by ensuring the management independence of railway undertakings; by separating the management of railway operation and infrastructure from the provision of railway transport services". The core of the operation was clearly to separate the 'trains from the tracks' as a general precondition for competition, and possible free access for more than one operator of railway services. Like all processes of market liberalisation, the liberalisation of rail transport was a complex mixture of national interests, the interests of the railway companies and the interests of the train building sector. The thrust of the liberalisation process of rail transport was to split the ownership and management of railway infrastructure and the ownership and

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128 Directive 96/48 on the interoperability of the trans-European high-speed rail system

129 Directive 91/440

130 Directive 91/440 on the development of the Community's railways

**Train companies in the Netherlands**

<i>NS Reizigers</i>	100% owned by the Dutch railway company <i>Nederlandse Spoorwegen</i> . Operates train services on the main local, regional and national routes
<i>HST-VEM</i>	Subsidiary of <i>Nederlandse Spoorwegen</i> . Participant of high-speed train Amsterdam-Brussels-Paris ( <i>Thalys</i> ) with Belgian <i>NMBS</i> , French <i>SNCF</i> and German <i>DB</i> .
<i>Syntus</i>	Joint venture of <i>Nederlandse Spoorwegen</i> and state-owned bus company <i>Connexion</i> operates train services in the east of the Netherlands
<i>Noordned</i>	Joint venture of <i>Nederlandse Spoorwegen</i> and privately owned bus company <i>Arriva</i> operates train services in the north of the Netherlands
<i>Freight trains</i>	Joint venture between Dutch railway company <i>Nederlandse Spoorwegen</i> and German railway company <i>Deutsche Bundesbahn</i>

**Box 6.7 - Dutch railway companies after liberalisation of rail transport market**

management of rolling stock for the exploitation of the actual transport service. Although the European member states had committed themselves to separate these tasks – previously held in one hand by the national railway companies – they were not equally far in implementing the (obligatory rules of the) directive.

The United Kingdom carried this division through most fully, with Railtrack as a private company responsible for the railway system and various regional railway companies exploiting the train services. Not to everyone's satisfaction it must be said, as the outstanding maintenance due to previous lack of investment in railways was not solved simply by a process of privatisation. Of the other four member states in the PBKAL project, the Netherlands proceeded furthest with the implementation of the directive during the 1990s. Like Germany, France merely separated its railway companies administratively with the *SNCF* operating the train services and the *FFF* managing the railways, whereas Belgium made no major changes in the *NMBS*<sup>131</sup>.

In the Netherlands, the state-owned railway company *Nederlandse Spoorwegen* (*NS*) was split into various separate organisations or companies (still state-owned). A process of privatisation of parts of the *NS* holding had already been long underway, in which a private engineering company *Holland Railconsult* was formed, whereby various maintenance stations gained an independent position allowing them to service other companies as well. A crucial element of the liberalisation of the rail transport was the formation of *Railned* as a separate organisation that actually assigned the capacity of the railway system to the various users (see Box 6.7). This was an independent organisation operating under the auspices of the

131 According to art. 1 of Directive 91/440, formal or administrative separation is compulsory, but the organizational or institutional separation is optional and left to the discretion of member states. According to art. 15, "Member States shall, after consultation with the Commission, adopt the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1993."

ministry of transport. Furthermore *Rail Infra Beheer (RIB)* was created, which formally owned the railway systems (the tracks), and was also responsible for maintenance and construction. This organisation also supervised the construction of the high-speed railways, although for the actual construction a project organisation was formed in which *RIB* participated together with the ministry of transport and the railway company *NS*. In a set of directives, the member states agreed to structure their railway companies further along these lines, providing for a specific framework for issuing a permit to operate a railway company<sup>132</sup>, for the management of railway systems and for the assignment of railway capacity<sup>133</sup>. Within this framework the context for a levy on the users of railway infrastructure was created, which was the essential precondition for private participation in financing railway infrastructure.

*Free competition for international train services and promotion of PPP*

For the railway companies the separation of ‘trains’ and ‘tracks’ was a major turn-around in thinking and working practices, in which pure train service companies emerged. Putting effort and investment in infrastructure was no longer the first priority for such companies; they were now primarily concerned with the operation of a passenger or freight service. This change-around was most noticeable in new international services. The railway companies acknowledged that the liberalisation idea fitted into the European Union context, but stressed the difficulties of applying it to the transport sector. Most railway companies were government-owned and some had made very little effort to separate infrastructural management from the operation of the train services. The Dutch railway company subsidiary *HST-VEM* was setting up the Dutch participation in the high-speed train market with the Thalys between Amsterdam and Paris. Most of the effort went into negotiations and contracts with the partners in the neighbouring member states. The liberalisation of the rail transport contributed to the unhampered progress of these new forms of co-operation in rail transport, by “ensuring access to the networks of member states for international groupings of railway undertakings and for railway undertakings engaged in the international combined transport of goods”<sup>134</sup>. Free access to the national railway systems was considered the key to bringing about economic competition between railway companies in international train services which would not be disturbed by government restrictions on access. Free competition should in turn contribute to the viable and profitable operation of a train service, opening up possibilities for a new public-private partnership approach which could provide part of the necessary infrastructure investments (see Box 6.8).

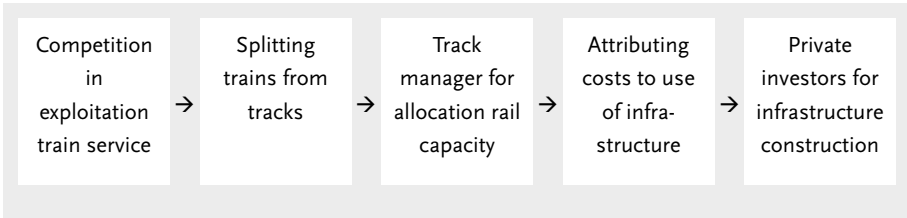
Under the liberalisation of rail transport, there was a clear division of tasks between the international section of the Dutch railway company *HST-VEM* that took care of the ‘trains’, and the Dutch ministry of transport, which took care of the ‘tracks’. The division of tasks was not without problems. The ministry of transport

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<sup>132</sup> Directive 95/18

<sup>133</sup> Directive 95/19

<sup>134</sup> Directive 91/440, art. 1



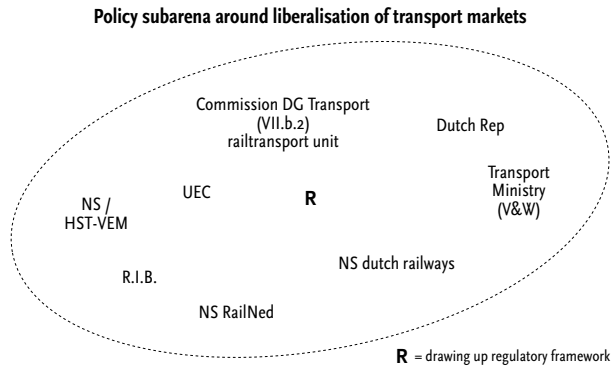
**Box 6.8** - Liberalisation of railways allows private participation in railway construction

was some ten years behind on the initial realisation schedule for *HSL-zuid*. The construction of the first section between Antwerp and Rotterdam would take until 2005, instead of 1996, as was initially agreed<sup>135</sup>. This made it difficult for *HST-VEM* to abide by the contract drawn up in 1993 on the joint operation of a high-speed train service with the French *SNCF* and the Belgian *NMBS*. The delays in the realisation of the *HSL-zuid* were mainly caused by decision-making and planning procedures.

The efforts of the Dutch ministry of transport were strongly concentrated on the design and landscaping of the route and the search for alternative routes and suchlike. Obviously, the funding of such a large project was also an issue of concern from the beginning. The ministry had a strong interest in experimenting with open tender procedures. The formulation of such new procedures was not just a matter for the Dutch ministry of transport; it also involved Commission representatives of General Directorate VII section B.2, of General Directorate for the internal market and representatives of the European Investment Bank. With a view to the later effects of the exploitation, the Dutch railway company *NS* and its subsidiary *HST-VEM* actively participated in the preparation of such an approach. The initial investment in the construction of the *HSL-zuid* in the period 1993-1999 proved difficult to realise. Construction seemed totally impossible, as it was unclear for a long time what revenues could be expected from the exploitation of the new infrastructure.

The decision-making on the construction of the Dutch section of *PBKAL* did not concern an economic investment of NLG 7.6 billion that was balanced by an estimate of revenues. It merely concerned a strategic choice by central government to link up with the European network of high-speed trains (Waterstaat, 1997, pp. 9-13). The ministry of transport made an effort to investigate the possibilities for tendering the exploitation of the high-speed train service which needed to produce the levy for the use of the infrastructure. It soon became clear that there were two

<sup>135</sup> This agreement was a unilateral treaty between the ministers of transport. In January 1993, the forecast date had already been changed to 2000, in May 1993 it became clear that the section between Rotterdam and Antwerp would not be finished before 2003. With construction underway since 1999 the final delivery of the project will be around 2005. The section between the French border and Brussels has similar delays due to disagreement between the Walloon Province and Flanders.



**Figure 6.4** - Policy (sub)arena around TEN's

candidates: the Dutch railway company *NS*, or any consortium around the French *SNCF* and possibly in combination with the Belgian *NMBS*. But the thought of the *SNCF* or other foreign railway companies exploiting a transport service on Dutch infrastructure was too much for the Dutch railway company. Most of the possible candidates had not changed their internal organisation or created separate companies in compliance with the European directive. Either because of this, or because they maintained such close relations with the state, it was impossible to discern whether all costs and investments were properly allocated to the exploitation of the operation of the actual high-speed train services. Cross-financing of different train services was common practice in existing railway companies, in which busy and profitable lines paid for peripheral lines. But strict rules for the liberalisation of the rail market changed the mechanism from subsidising less profitable lines to free competition on winning the exploitation of a single line, which needed to pay for the investment in infrastructure. Furthermore, France and many other member states involved had not opened up their market for foreign railway companies, a possible bid by the French *SNCF* was eventually turned down for this reason by the Dutch ministry of transport<sup>136</sup>.

The directive on the liberalisation of railways<sup>137</sup> and related directives aims to improve the possibilities for private participation in the construction of railway lines; this has consequences for the need to charge the costs of infrastructure to the operator of the train service. The Christophersen group added the search for public-

<sup>136</sup> In 2001 the ministry of transport decided that a consortium of the Dutch railway company *NS* and air carrier *KLM* would operate the high-speed train service on the Dutch section of the route. It is interesting that one of the problems throughout the process was lack of certainty over whether a French-operated high-speed train service would maintain the stop at Schiphol. Even though from an economic point of view this may seem logical, there was always a fear that French central government interference would lead to skipping the Schiphol stop in favour of air-train passenger exchange at Charles de Gaulle airport.

<sup>137</sup> Directive 91/440/EC

private partnership approaches to the concept of trans-European networks in its report, believing this would offer new opportunities for many public parties to overcome the problem of insufficient public funding for infrastructure in Europe. The feasibility of developing new PPP approaches was further investigated in a study commissioned by General Directorate VII for Transport (CEC, 1997b). Another effort that was needed was the technical interoperability of infrastructure.

*Technical interoperability as a requirement for private funding*

The liberalisation of rail transport set out a process of harmonisation of technical requirements for railway infrastructure and rolling stock. On the one hand, the harmonisation of technical requirements allowed more competition in the train building industry. On the other, compatibility between trains and railway systems was necessary if international trains were to operate better. But railway companies insisted that the high-speed train be compatible with the conventional railway system as well, as a high-speed train needs to be able run on conventional tracks if necessary. And lastly, a clear set of technical requirements made it possible to see beforehand where the investments in safety systems went: in the trains or in the tracks. Integrating safety systems in the trains placed the investment burden directly upon the train service operator. Integrating safety systems in the infrastructure itself (and harmonising it) made the construction of new infrastructure more expensive. This then had to be charged in the exploitation of the infrastructure to the operator of train service. The direct link between the liberalisation of the rail transport and the construction of infrastructure lay in the definition of the technical requirements that needed to secure interoperability: “the ability of the trans-European high-speed rail system to allow the safe and uninterrupted movement of high-speed trains which accomplish the specified levels of performances. This ability rests on all the regulatory, technical and operational conditions which must be met in order to satisfy essential requirements”<sup>138</sup>.

The directive on liberalisation initially contained the formal ground for the harmonisation of technical requirements, but the concept of trans-European networks provided a general frame of reference. Moreover, the large-scale construction of high-speed train projects speeded up the process of bringing it into the European Union institutional context. The liberalisation of rail transport and the development of trans-European networks ran parallel with involvement by the same three crucial parties. But the train building industry was involved besides the European institutions, national governments and railway companies. Its role was particularly connected with the definition of technical possibilities for interoperability. The construction of a European high-speed rail infrastructure encouraged the industry to further invest in the development of high-speed train systems. Even though France and Germany both had their own already operational high-speed train systems, these were still being further developed technically.

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<sup>138</sup> Art. 2b, Council Directive 96/48 on the interoperability of the trans-European high-speed rail system

Policy sub-arena around liberalisation of rail transport	
Composition	<p>For the Commission's General Directorate VII for Transport, mainly the railway department (B) was involved. For the member states, representatives of member states' transport ministries and experts from railway companies and the HST-VEM were involved.</p> <p>The link between the liberalisation aim and infrastructure project makes for regular involvement of the Commission's policy unit (General Directorate VII A.2) and the project unit (General Directorate VIII A.3) and occasional involvement by the HSL-zuid project organisation. The Dutch permanent representation contributed to these links.</p>
Selection & identification	<p>Liberalisation of rail transport is linked with the development of new infrastructure by virtue of preconditions for private participation in infrastructure development. PPP construction and separation of tasks and responsibilities in national railway companies are the thrust of such a development.</p>
Interaction & exchanges	<p>Liberalisation rail transport requires the elaboration of a regulatory framework. European funding supported studies and exchange of experience in this field. Furthermore, monitoring progress of trans-European network projects and in particular needs for PPP constructions feeds into this process</p>

**Box 6.9** - *Properties of the policy sub-arena around trans-European networks*

The industry was under pressure from railway companies, which had an obvious interest in purchasing rolling stock as cheaply as possible. The ministry of transport shared this interest as it was the owner of the Dutch railway company NS and partly directly financed new investment in rolling stock. But, like the other national governments, the Dutch ministry of transport tended to concentrate on its role as the main investor in the construction of the infrastructure, and thus had an interest in cheap railway tracks. Finding itself under pressure through the liberalisation of the rail transport market, the industry embarked on a series of company mergers, leaving only a few major players in a specialised market. The two strands of investment (trains versus track) were linked through the technical and safety standards, in which the question was simply is where e.g. the safety systems had to go: in the trains or in the track.

Setting up a coherent framework of technical requirements for the high-speed train systems involved a process of harmonisation and the drafting of new European rules. It was co-ordinated by the railway directorate (B) of the Commission's General Directorate VII for Transport<sup>139</sup> that was supported by the odd committee of member state representatives<sup>140</sup>. Interoperability was not a question of choosing

139 General Directorate VII, section B.2

140 Council Decision 96/48, art. 21



**Policy sub-arena around technical interoperability**

Composition	The railway department (B) of Commission's General Directorate VII for Transport, representatives of member states' transport ministries and experts from railway companies and the Union of European Railways jointly elaborate the framework for technical interoperability.
Selection & identification	Technical interoperability is identified in the concept of trans-European networks as a precondition for the liberalisation of rail transport. The construction of new rail infrastructure afforded the opportunity to implement new technical standards. Technical harmonisation offered the necessary regulatory framework for private participation in the construction of high-speed rail and competition in train services.
Interaction & exchanges	The main efforts were in a further elaboration of a regulatory framework. European funding supported studies and exchange of experience in this field. The necessary expertise needed to be brought in by the railway companies and member states' transport ministries.

**Box 6.10 - Properties of the policy sub-arena around trans-European networks**

routes or priorities for infrastructural projects that were central to creating trans-European networks. Thus, for the Netherlands this was not the same representative of the strategy section of the ministry of transport that attended both the network committee and the financial assistance committee for the trans-European networks. The interoperability committee required representatives with expertise on technical railway issues. For this reason, the Dutch representative came from the passenger traffic directorate of the ministry of transport, the *Directie Personenvervoer*, and was occasionally accompanied by representatives from the rail infrastructure management agency Railned. There was a direct link between the interoperability efforts and the realisation of the Dutch high-speed railway, the *HSL-zuid*, and the Betuwelijn. Therefore, ministry officials who were seconded to the *HSL-zuid* project organisation often joined the Dutch representation in the committee, as they possessed the main Dutch expertise in the development of high-speed rail.

*Closely linked policy arenas around interoperability and liberalisation*

The policy sub-arena around technical interoperability of the European infrastructure networks is closely related to the policy sub-arena around the liberalisation of the rail transport market (see Box 6.9 and 6.10). Both these policy sub-arenas are predominantly based on the need to create and apply regulatory mechanisms. The parties that participate in both arenas are partly represented by the same persons. Especially when the involvement of railway companies is concerned, these policy sub-arenas, as established within the framework of European Union institutions, are a continuation of interactions that previously took place within the framework of the International Railway Union. The regulatory work undertaken in these arenas was necessary to facilitate the realisation of the infrastructural projects

that were part of the trans-European networks. The emphasis on the construction of new infrastructure in the concept of trans-European networks clearly contributed to the understanding of these needs within these arenas.

The policy sub-arena around interoperability is not only formed by the formal interoperability committee. In the process of drawing up the 'Technical Specifications for Interoperability' a wide range of issues needed to be dealt with; not only safety, maintenance, and reliability, but also health issues and environmental protection<sup>141</sup>. Obviously, all the technical expertise that was needed for the rudiments of running international trains was in the member state ministries and the railway companies. The directive therefore provided for the possibility of setting up working parties to define all these separate elements of the high-speed train system, for users, the energy facility, rolling stock, control and command signalling and the infrastructure. These working groups again brought together representatives of infrastructure managers, railway companies and the industry. Spearheading this process was the European Rail Traffic Management System (ERTMS). For the definition of this system, there was an ERTMS user group in which Railned also participated. This group worked on various projects, such as the European Train Control System (ETCS). The Commission mobilised any further expertise necessary to help define many of these technical questions, also by putting out tenders for studies. The ERTMS project was highly valued by the Commission, as it fitted in with the efforts to promote the development of compatible traffic management systems for the realisation of real trans-European networks.

For the Commission as a European Union institution, making such technical arrangements for the railway sector may have been new, but similar arrangements had already existed since the 1930s in the so-called Technical Unit of the UIC. It was a massive shift of a regulatory body from private law agreements to public law, i.e. European Union directives and decisions. But the railway companies and infrastructure managers – whether still as part of a railway company, or as an independent agency – possessed most of the necessary expertise and submitted tenders. Eventually, it was the same group of experts that used to do this work in the context of the international rail union UIC and was now working in the context of these tenders and working parties for the European Union. For the purposes of realising the high-speed rail system as part of the trans-European networks, all existing international arrangements on safety systems, traffic management and formal requirements for rolling stock were transferred to the European Union context.

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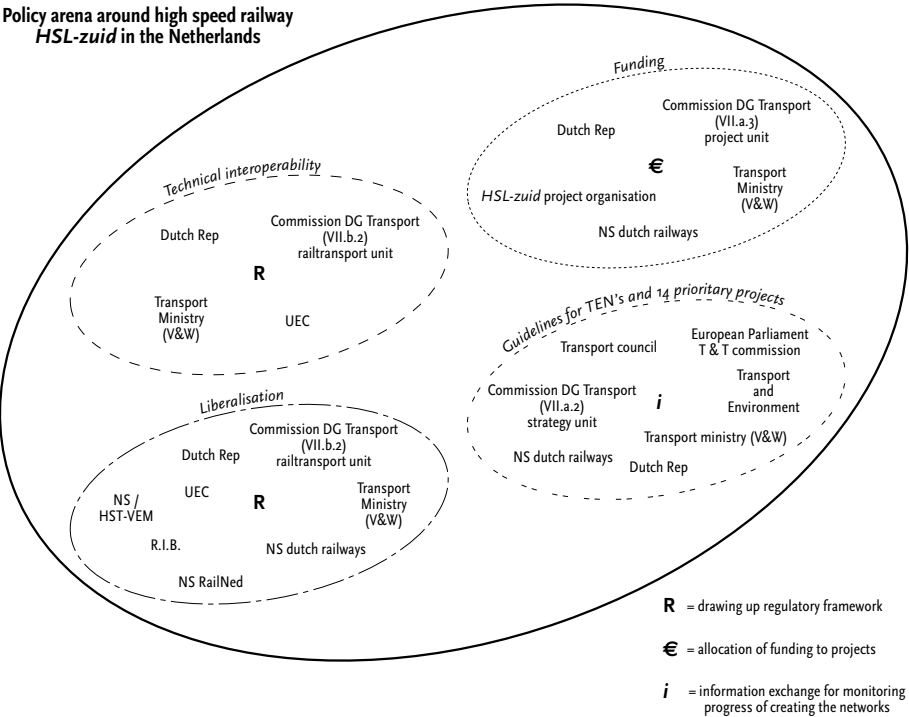
141 The directive specifies issues, their definitions, describes subsystems of a high-speed train system in the annexes I-IV.

## 6.6 Appealing spatial concept interlinks four policy sub-arenas around railway infrastructure development

In the above analysis of the policy process and decision-making for the realisation of the Dutch part of the high-speed rail network, four policy sub-arenas were distinguished. These policy sub-arenas are linked in many ways, which means that they can be seen as part of one policy arena around the realisation of European infrastructure networks. All four policy sub-arenas were established somewhere in the period 1993-1996 in which the concept of trans-European networks had become a completely formal part of European transport policy. All four policy arenas were transnational, formed by representatives of member states' central government, mostly the transport ministries, by Commission officials and with involvement by the national railway companies and lobby organisations that operated at national central government level as well as on the European tier. An examination of the composition of the Dutch section of each of these four policy sub-arenas reveals that the constant factor was formed by European Commission officials, by officials of the Dutch transport ministry and the Dutch permanent representation in Brussels (Dutch-REP). The involvement of the Dutch ministry of transport and infrastructure in all four policy sub-arenas speaks for itself, as it was involved in all parts of the policy process and decision-making on railway infrastructure. The officials represented in the policy arenas came mostly from the strategy and co-ordination section. There was little participation from the sections responsible for the detailed planning of the location and the actual construction of the infrastructure projects, or from the planning ministry. The Commission was also represented in all four policy sub-arenas, albeit by officials from different policy units of DG VII for Transport. The project unit and the strategy unit of Directorate A were both principally involved in the realisation of the trans-European networks. Although the rail transport unit in Directorate B was mainly involved in the operations of the rail transport market, it saw its activities becoming increasingly linked to the realisation of the trans-European networks.

The fact that the European Round Table of industrialists was the initiator of the concept of trans-European networks is exemplary for the involvement of lobby organisations that operate at the European tier for infrastructure and transport issues. Where the high-speed rail network was concerned, the national railway companies had already been working together for several decades on developing plans. But after the high-speed rail network became part of the trans-European networks in the context of the common transport policy, the *Union Européenne de Chemins de Fer (UEC)* as the European counterpart of the international railway union UIC, was actually established with a view to continued participation in the policy process. And with success, as the Dutch railway company was represented in all policy sub-arenas. It participated in all parts of the policy process, either itself, or through one of its subsidiaries, or the *HSL-project* organisation, i.e. the joint venture with the transport ministry to construct the high-speed railway in the Netherlands. Besides the representatives of the European Union institutions and organisations

Policy arena around high speed railway  
*HSL-zuid in the Netherlands*



**Figure 6.5** - Policy arena around trans-European networks

that operated at European level, this case-study focused on the Dutch involvement in the policy process. This means that the policy arena was much larger in practice, as it also covered the equivalent representatives of all other European member states. Transport & Environment Europe is a lobby organisation which was also established with a view to the trans-European networks that renewed infrastructure as part of the common transport policy. After initial involvement in the policy sub-arena that formed around the guidelines for the trans-European networks, it was less successful in continued participation in the policy process.

Although the four policy sub-arenas were established around distinctly different aims regarding the realisation of European infrastructure, the issues identified in them were by their nature closely related. The initial aim of increasing economic activity and the direct and indirect employment effects of large-scale infrastructural investment that underlay the concept of trans-European networks played a less prominent role. The policy process in all four policy sub-arenas revolved around the identification of priorities for the realisation of all the infrastructure networks in which the 14 priority projects were dominant. The direct formal impact of the guidelines and the list of projects and the maps for the trans-European networks on decision-making in the Netherlands was limited. But the efforts for developing the concept of trans-European networks and the selection of priority projects fulfilled the

role of the national strategic decision on the construction of the *HSL-zuid* as the Dutch link to the high-speed rail network. Even though funding only accounted for a relatively small share of the total investment needed for the actual construction of new railway infrastructure, it still was enough to justify participation in the whole process. The Dutch decision to focus all efforts on the high-speed railway reflected current national preferences and supported the main thrust of the trans-European networks. The projects that were submitted for European subsidies were predominantly railway-related and aimed to promote technical interoperability and support the liberalisation of the rail transport market.

In the preparatory phase in which the concept of trans-European networks was formed, the emphasis may have been limited to the existing preferences of member states. In the later stages of the policy process the emphasis in all policy sub-arenas shifted towards the European dimension of solving missing links and promoting multimodality of networks, dealing with lack of funding, and the detailed technical issues of interoperability. Technical interoperability and the liberalisation of the transport market were not just by-products of the efforts to construct infrastructure, but directly related to the central aims of the concept of trans-European networks. The concept of the trans-European networks served as a general frame of reference that promoted the closely linked interactions in the four policy sub-arenas through information-sharing on the progress of the realisation of new infrastructure, management of infrastructure, technical specifications of infrastructure, exploitation, and admission of the companies that operated transport services on the infrastructure.

The exchange of information on the progress of the priority projects with a view to monitoring the realisation of the networks as a whole is the main link between the four policy sub-arenas. The two formal committees, the network committee and the financial committee, provide a basis for regular formal meetings. The Commission officials from the three different units within DG VII maintained regular internal communication, although there was limited co-ordination and integration of the relevant parts of the policy process and decision-making for the realisation of the infrastructural networks. All formal communication between the member state and the European Union institutions took place via the permanent representation. In the case of DutchRep, this opportunity was seized by bringing in expertise on transport issues and by playing a central role in the formal and informal communication between the four policy sub-arenas. The two paired policy sub-arenas around technical interoperability and liberalisation of the transport market concentrated more on drawing up the necessary regulatory arrangements than on exchanging information. Yet, the additional ad hoc working parties and study projects provided for the involvement of the expertise that was urgently needed at the European tier, and thereby offered access to the railway companies in particular to participate in the whole policy process. The annual round of subsidies for projects were a major incentive for intensive contacts between the Commission and the member states and also fed additional information on the progress of project into the policy process around the trans-European networks. Though important, the priority projects were

not the only central issue here. All aspects of infrastructural development could be covered by the funding mechanism, including technical and regulatory issues and ways of raising private investment. This process of information exchange was, in fact, also the aim behind the efforts of lobby group Transport & Environment Europe for a corridor analysis. Strengthening the emphasis on insight into the environmental impact of the actual location decisions for infrastructure was meant to add to this information exchange. So far, the actual effect was limited, as the methodology for this type of strategic impact assessment needed to be developed first.

*Appealing spatial concept contributes to transnational policy arena*

The emergence of the concept of trans-European networks brought the infrastructure issue firmly into European policy-making. With a view to the PBKAL high-speed rail network, the new European infrastructure policy framed a development that would be well underway, in just a few years' time. The PBKAL project had a history of more than a decade of multi-lateral planning efforts by national railway companies and transport ministries before being incorporated in the formal framework of the European common transport policy. When the European Round Table of industrialists started lobbying for new infrastructural development, it related missing links in European infrastructure to the operation of the single European market. This brought infrastructure to the core of the European integration process.

The further elaboration of the concept of trans-European networks, included the social aims of promoting and creating employment, as well as environmental aims that helped enlarge the scope of infrastructural planning. These broad aims initially sought to support a claim for a significant increase in public investment in infrastructure throughout Europe. Although not successful in this respect, they effectively seemed to raise political awareness for renewed public involvement in the development and improvement of infrastructure and helped focus the existing national priorities for certain projects. Yet, the concept was most powerful in the way it linked the aim to increase efforts in infrastructural development and boost infrastructural investment in order to improve the possibilities for creating a level playing field for the common European transport market. This is where the European spatial development concept for the creation of new infrastructure for economic, social and environmental reasons became a concept that appealed to a range of closely related policy and decision-making processes in the context of European policies. The concept of the trans-European networks covered the richness of issues that allowed it to serve as a general frame of reference for the various parts of decision-making on developing international infrastructure networks, such as high-speed rail infrastructure.

The concept of trans-European networks contributed in this process to the establishment of a transnational policy arena. Infrastructural planning, which used to be embedded in national policy systems and was undertaken almost exclusively by central government, was opened up to new parties. The planning and construction

of the individual infrastructure projects that made up the envisaged European networks remained largely a national affair. Even so, the national transport ministries supplied the necessary expertise for the European institutions, notably the Commission and the Council. The elaboration of the concept of trans-European networks for the inclusion of infrastructural issues in the common transport policy thus became a joint affair. The efforts undertaken in the context of the new field of action for the common transport policy rubbed off on the national context in which the strategic choice for participating in the high-speed rail network was taken for granted. National railway companies and the environmental organisations were also participating in this process, forming lobby groups at European level. At later stages it was mostly the railway companies and, in the case of the Dutch railway company, its subsidiaries, that succeeded in maintaining their participation in the policy process. This was the variety of parties and government representatives, operating both at national and European level, that participated in joint policy-making on infrastructure in the transnational policy arena.





### Building a common knowledge base for Natura 2000

#### 7.1 Introduction

This chapter analyses the case of Natura 2000, the European ecological network of nature areas. It traces the origins of the concept of Natura 2000 within the context of international nature conservation policies and European Union policies and discusses its confrontation with the nature policy in North-Rhine Westphalia. The concept was formally established in two European directives for nature protection: the bird directive and the habitat directive<sup>142</sup>. The network of nature areas was a concise concept that expressed spatial preferences for European territory. Natura 2000 was a spatial concept that aimed to protect nature by means of spatial policies. To create the network of nature areas, the concept distinguished two stages in which spatial aspects of nature were the focal point of nature protection. First, the concept envisages the creation of an ecological network through selecting and formally designating sites as protected nature areas. Second, it envisages a decision-making framework for projects or activities in areas that represented a potential threat to the key ecological resources<sup>143</sup> for which the nature areas were designated<sup>144</sup>. The analysis in this chapter focuses on the first stage, the selection of sites. The key ecological resources that underlay the creation of the network of nature areas in this stage will also be the basis for the decision-making on spatial developments in these areas in the second stage. Both for the actual realisation of this ecological network of protected nature areas and for the implementation of the wildlife protection in these areas, the concept explicitly relied on the creation of a common base of knowledge on Europe's natural values.

The analysis focuses on how the creation of a common knowledge base contributed to the establishment of a policy arena around the European spatial development issue of improvement to the quality of rural areas. The aim behind the creation of the Natura 2000 network of protected nature areas is further analysed in Germany and in the Land of North Rhine-Westphalia in particular. Germany is one of the European Union member states with a fully-fledged nature protection policy. This falls within the competency of the *Länder*. Both the *Bund* and the *Länder* have

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<sup>142</sup> Bird directive 79/409/EC and Habitat directive 92/43/EC

<sup>143</sup> 'Key ecological resources' is used as a term to refer to the specific natural features for which areas are selected. These features are populations of the species that are defined in the annexes of the Bird directive and the Habitat directive, or features of landscape and types of vegetation that are typical to certain habitats as defined in these annexes.

<sup>144</sup> Art. 6.1-6.4 of the Habitat directive 92/43/EC

their own expert institutes for nature conservation, which generate the necessary knowledge and data on nature. By analysing the policy process in Germany and North Rhine-Westphalia we shall gain an understanding of the specific contribution of Natura 2000 to the creation of a common knowledge base.

As the focus of Natura 2000 on the protection of certain key ecological resources needs to be understood in a wider international context, the relation between Natura 2000 and the biodiversity strategy is analysed in section 7.2 in relation to the European institutional set-up in creating a common knowledge base on the distribution of key ecological resources over European territory. The next section (7.3) analyses the process of gathering the basic data on nature in North Rhine-Westphalia. The confrontation between the European concept of Natura 2000 and the similar (but different) domestic concept of *Natur 2000* was reflected in the efforts to create the common knowledge base for the European nature protection policy. The following section (7.4) examines how the process for collecting data on key ecological resources and sites that needed protection contributed to the further definition of Natura 2000. Seminars for each of Europe's bio-geographical regions were the focal point of the selection of sites for Natura 2000. Lastly, section 7.5 analyses the role of a financial instrument for the European environmental policy from the perspective of the establishment of a policy arena around Natura 2000.

## 7.2 Mobilising international expertise on biodiversity

The concept of Natura 2000 fits into a framework of international agreements in which a certain hierarchy exists with a view to nature protection. There are three relatively new international agreements on nature protection that lay down the principle of maintaining biological diversity: the United Nations Convention on Biodiversity, the pan-European biodiversity strategy and the European Union biodiversity strategy. These agreements introduced a new focus on nature protection that encompassed a range of initiatives undertaken on the basis of previous international agreements. Despite the time lapses between the formalisation of the agreements on nature protection, the aim to create an ecological network of protected sites in the European Union can essentially be seen as an elaboration of the international goal to maintain biodiversity.

The *Convention on Biological Diversity* was drawn up by an intergovernmental expert working party and an intergovernmental negotiating committee under auspices of the United Nations Environmental Programme. The Convention was formally adopted by more than 150 countries during the UNCED in Rio de Janeiro in 1992 (Arts, 1998, pp. 162-172). At this conference, in which sustainable development was established as the leading principle for environmental policies, the general ambition for the maintenance of biological diversity was also determined. Biological diversity was defined as "the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within

International, Council of Europe and European Union agreements for nature protection					
Year	1971	1979	1992	1995	1998
International & UN	Wetlands Convention (Ramsar)	Bonn Convention Bern Convention	Convention on biological diversity (Rio)		
Council of Europe				Pan-European biological and landscape diversity strategy	
European Union		Bird directive	Habitat directive & Natura 2000		EU Biodiversity Strategy

**Box 7.1 - Sequence of treaties and agreements for nature protection**

species, between species and of ecosystems”<sup>145</sup>. The signatories to the Convention, which included all European countries as well as the Council of Europe and the European Union, agreed to develop a biodiversity strategy and plans of action. Apart from the objectives, instruments, partners and concrete actions, this strategy needed to specify the vision on biodiversity, including scientific understanding<sup>146</sup>.

The Council of Europe drew up the *Pan-European Biological and Landscape Strategy*, which was approved by 55 environment ministers at the ‘Environment for Europe’ conference in Sofia, Bulgaria on 3-25 October 1995. The pan-European strategy took an even broader approach, e.g. by defining landscape diversity in addition to biodiversity. The pan-European strategy sought to interconnect and integrate various approaches “to mobilise all existing initiatives towards the one goal of conserving biological and landscape diversity” (Council of Europe, 1996, p. 24). The first action to this end was the establishment of the pan-European ecological network, which was “both a physical network through which ecosystems, habitat, species, landscapes and other natural features of European importance are conserved, and a co-ordinating mechanism through which the partners in the Strategy can develop and implement co-operative actions.” (Council of Europe, 1996, p. 29). It aimed to interlink initiatives for establishing national and regional ecological networks and those being developed at European level, such as the

<sup>145</sup> Art. 2 of the Convention on Biological Diversity

<sup>146</sup> 1994 UNEP Guidelines for the preparation of national biodiversity strategies and action plans and the *pan-European biological and landscape diversity strategy* of the Council, drawn up by the ECNC (ECNC, 1996)

European network of Biogenetic Reserves, the EECONET concept, the Bern Convention, the Bonn Convention, and, of course, Natura 2000. In fact, this meant that under the auspices of the Council of Europe, the Natura 2000 network was extended to central and eastern European countries.

The European Union drew up its biodiversity strategy at the same time when the Council of Europe drew up the pan-European biodiversity strategy (ECNC, 1998). With the *European Community biodiversity strategy*, the European Union fulfilled its obligations under the UN Convention on biological diversity to which it was signatory. The European Union even called itself a “key player” at international level, assuming a “leading role worldwide in furthering the objectives of the Convention” (CEC, 1998a, p. 2). There was also a cross reference to the pan-European landscape and biological diversity strategy. As a basis for the strategy, the European Environment Agency made the so-called Dobbris assessment, which stated that “the decline of Europe’s biodiversity in many regions derives mainly from highly intensive, partially industrial forms of agricultural and silvicultural<sup>147</sup> land use; from increased fragmentation of remaining natural habitats by infrastructure and urbanisation and the exposure to mass tourism as well as pollution of water and air. Given the projected growth in economic activity, the rate of loss of biodiversity is far more likely to increase than stabilise” (Agency, 1995; CEC, 1998a, p. 1). The Community biodiversity strategy claimed to respond to this challenge of “conservation and sustainable use of biological diversity”, which is the thrust of a biodiversity strategy. As a framework for developing European policies and instruments, the Community strategy emphasised the approaches already taken in the fifth environmental action programme with catchphrases such as ‘the development of new instruments’, ‘co-operation between the Community and the member states’, ‘co-operation with other parties’ and lastly, ‘integration of biodiversity aims in other European policies’ (CEC, 1998a, pp. 9-19). The somewhat more selective strategic theme reaffirmed existing aims through Natura 2000 in the European Union, albeit with a wider scope which also took account of biodiversity aspects outside protected areas (CEC, 1998a, pp. 4-9). Also, this European Union strategy reflected how strongly the protection and conservation of natural areas was embedded in the aim for the conservation and sustainable use of biological diversity.

*Emphasis on data exchange pushed by international agreements*

The global efforts to maintain biodiversity thus brought together a history of separate efforts and agreements on the protection of nature on an international and (pan-)European scale. The policy arena around Natura 2000 was, at least in part, rooted in this history. On a global scale there was the 1971 Ramsar (Iran) Convention on *Wetlands of International Importance* and the 1979 Bonn Convention on the *Conservation of Migratory Species of Wild Animals*. In Europe, there was the 1979 Bern Convention on the *Conservation of European Wildlife and Natural Habitats* (Delbaere, 1999). These conventions mainly promoted conservation by the signatory countries.

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147 Forestry

Over the years, the countries that were signatory to the treaties had designated sites for the protection of the species and habitats covered by the conventions. After many international agreements these efforts were brought together in the more comprehensive biodiversity strategy. An official of the Council of Europe said: "Now, however, the whole process is accelerating. Following the Rio Conference, at which the principle of 'sustainable development' was discovered or, to be more accurate, recognised, a number of new ideas and approaches emerged." (Ribaut, 1996, p. 7) The existing agreements promoted co-operative research activities and provided for a common secretariat to monitor the implementation of the agreements and the information-exchange between the parties.

In the United Nations Convention on Biological Diversity, which was agreed in Rio de Janeiro, a new principle for promoting co-operation in research and the dissemination of information was introduced with the 'clearing house mechanism'<sup>148</sup>. The clearing house mechanism is a concept borrowed from the financial world: a 'clearing house' is used by persons or banks to exchange cheques and settle accounts. Here, as part of the United Nations biodiversity strategy, it was a mechanism to clear information from one information-holder to another in order to facilitate and promote scientific and technical co-operation. This went farther than the mere exchange of information. The clearing house mechanism covered capacity building and training, setting up workshops, and exchanging expertise and services. It was an effort that was geared particularly to overcoming discrepancies between developed and less-developed countries; meaning, on a global scale, north-south discrepancies and, on a European scale, east-west discrepancies.

The Council of Europe's pan-European biodiversity strategy sought to apply lessons from the various agreements on nature protection, in particular Natura 2000 and the Bern Convention (1996-2000). It aimed to "devise a Europe-wide checklist of species and habitats" and "initiate action to maintain and extend the CORINE programme to cover all European countries, focusing on elaboration of CORINE Biotopes and designated areas" (Council of Europe, 1996, p. 34). The CO-ordination of INformation on the Environment was a European Union programme which was launched in 1985 to stimulate data collection and promote the standardisation and exchange of data in several databases. These included a database on biotopes, natural vegetation and designated areas (Bischoff, 1993). Despite the efforts since 1985, these databases were far from complete, or the information was lacking in detail. The European Union Community biodiversity strategy stated that "it is widely recognised that the current incomplete state of knowledge at all levels concerning biodiversity is a constraint on successfully implementing the Convention" and stressed the importance of the clearing house mechanism as "the prime vehicle for international information exchange on biodiversity" (CEC, 1998a, pp. 7-8). With the strategic theme of 'research, identification, monitoring and exchange of information', the implicit communication and information strategy of

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148 Art. 18 of the Convention on Biological Diversity; decisions I/3, II/3 and III/4 of the Conference of Parties

the European Union environmental policy was emphasised and further clarified with a focus on the need for research to identify the components and trends of biodiversity. These components were in fact identified on the basis of a range of species and ecosystems, similar to the Natura 2000 concept.

*Organised build-up of knowledge and data exchange for European policies*

The explicit aim to gather data for Natura 2000 was supported by the information strategy pursued in the European environmental policy. The habitat directive placed an obligation on the member states to send annual reports to the Commission which, in turn, had to produce a synthesised report on the progress towards establishing the network of protected sites. The Commission needs to report regularly on the progress of the ecological coherence of Natura 2000 network<sup>149</sup>. Along the lines set out in the 5th Environmental Action Programme for broadening the environmental policy instruments this information strategy led to the evolution of an institutionalised knowledge provider as a new instrument.

The biodiversity strategy of the European Union Community emphasised the importance of data held by NGOs, member states, national agencies and private collectors. The need to collect data was addressed by the establishment of the European Environment Agency and a network of expert institutes, the EIONET (Environment Information and Observation NETWORK). The Agency would answer

**European Environment Agency (EEA)**

The objectives were “to achieve the aims of environmental protection and improvement laid down by the Treaty and by successive action programmes on the environment, the objective shall be to provide the Community and the Member States with:

- objective, reliable and comparable information at European level enabling them to take the requisite measures to protect the environment, to assess the results of such measures and to ensure that the public is properly informed about the state of the environment;
- to that end, the necessary technical and scientific support.

**Environment Information and Observation NETWORK (EIONET)**

*National Focal Points (NFP)*: coordinates national activities from a national network of centres specialised in certain topics (water, nature, air, etc) for EEA related to its work programme;

*National Reference Centres (NRC)*: institutions or organisations specially designated by the member state to play a role in technical coordination on specific topics;

*European Topic Centres*: 9 decentralised branches of the EEA on a partnership basis in cooperation with existing institutes to consolidate expertise and ensure the availability of competencies for advice, consultation and carrying out part of the task of creating the European system of data

**Box 7.2 - European Environment Agency and EIONET**

<sup>149</sup> Council directive 92/43/EEC, art. 9 en 10

the need for better information on the environment. This was considered crucial for the success of the European environmental policy and called for a concerted effort by all the relevant institutions at all tiers of government (CEC, 1993b, p. 102).

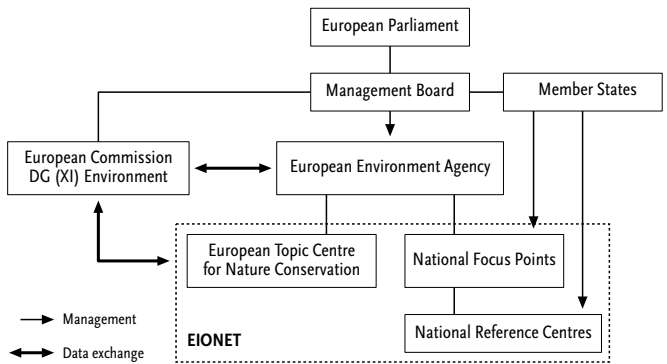
The initial remit of the Agency was to support the work of the Commission in nature conservation, to be a “source of data on the environment, the guard of the quality and of the comparability of data” (CEC, 1993b, p. 117). The objectives and tasks of the Agency, set out in the 1993 5th Environmental Action Programme, reaffirmed the regulation adopted in 1990<sup>150</sup> and by which the Agency was formally established, but the members states took until 1993 to agree on Copenhagen as the seat of the agency, which meant that it did not start functioning until somewhere in the course of 1994. At that time, with the Community biodiversity strategy, the Agency and the EIONet also became the main European Union contribution to the clearing house mechanism (CHM) to “consolidate and further develop the Community CHM in order to become an efficient vehicle for promoting and facilitating technical and scientific co-operation” (CEC, 1998a, p. 8). Given the existing European Union policies, the Community biodiversity strategy efforts for the clearing house mechanism had to be practical and contribute to the exchange of information between various decision-makers: “needs-driven, decentralised and allow for provision of information useful for the compilation of national and Community reports and for information on progress in implementing concrete measures for biodiversity” (CEC, 1998a, pp. 8-9). The Agency had two tasks regarding the Natura 2000 project. The first was to collect and disseminate information on the state of the environment. The second was to analyse and pass on information on the environmental policies for the Commission in particular. The necessary expertise for both these tasks was available in various institutes or organisations in the member states, and was more or less unlocked for the European policy process through the establishment of the EIONET (see Figure 7.1).

The EIONET was set up by the Agency in cooperation with the member states, which meant that it also took until 1994 for the national focal points, the national reference centres and the candidates for topic centres to be identified. The selection of institutes was undertaken in a series of meetings of the group of ‘high-level’ experts nominated by the Agency management board. The idea was that through this network of institutes, in which the *Bundesamt für Naturschutz* participated on behalf of Germany, the main sources of formal knowledge and expertise would become accessible for the nature conservation policies at European level.

As in the case of other topic centres, the *Musée National d’Histoire Naturelle* in Paris was contracted after a bidding process to host the European Topic Centre for Nature Conservation (ETC-NC). This French institute had a long track record as advisors to the Commission, which supported the successful bid. The bid for the ETC-NC was actually formed by a consortium of 15 organisations from 12 countries and was led and co-ordinated by the French institute, which included e.g. state institutes such as the German federal institute for nature conservation (*Bundesinstitut für Naturschutz*)

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150 Regulation 1210/90



**Figure 7.1** - Formal structure of the EIONET

and interest organisations like the ECNC. The ETC-NC staff of only four persons was enlarged with three experts seconded by the consortium partners, but it obviously depended heavily on the contribution by the consortium partners. The basis for the work of the ETC-NC was a 3-year contract with the Agency and additional financial support from the French government. After a brief review the contract was renewed for another 3 years and expired at the end of 2001. By that time all topic centres would have been evaluated and the Agency and the Commission would have to decide whether to retain a similar network of institutes to get the work done. The current organisation was rather encompassing, and the feeling among the participants in the topic centre was that, besides the obvious change of name into the topic centre for biodiversity, the Agency and the Commission might want a leaner operation in the future. Yet, the expertise of many of the consortium partners would be needed to get through the work that the topic centre was taking on. This work was laid down in working programmes, that is, drawn up by the Agency together with the Commission for all the parts of the EIONET.

The aims of the Community biodiversity strategy trickled through to the EIONET network via the multi-year work programme and the annual programmes of the Agency. Similarly, most of the practical work connected with the implementation of the habitat directive was carried out by the ETC-NC in accordance with the priorities in the annual working programme that was drawn up jointly by the Commission and the Agency project manager who was responsible for the ETC-NC. That said, the Agency still had a fairly minor role on a day-to-day basis. As contact usually took place directly between Commission officials and the ETC-NC staff, this limited the importance of the formal arrangement of the EIONET network.

*Making ecological knowledge and expertise available to policy making*

The nature protection unit of the General Directorate for the Environment<sup>151</sup> of the

151 DG Environment (XI) D.2



European Commission is charged with the implementation of Natura 2000, i.e. the habitat directive and the bird directive. While the staff of the other General Directorates of the Commission are often trained in general administration, law or economics, the approximately twenty officials in this nature protection unit are mostly experienced ecologists or biologists themselves. The Commission is further supported in its work by two scientific expert groups; one for the bird directive and one for the habitat directive. As a joint effort of the member states and the Commission, specialists from universities or state research institutes are designated and invited by the member states to participate in meetings with Commission officials on average twice a year. The agenda for these meetings is drawn up by the Commission, and covers e.g. the amendments to the annexes of the directives or questions relating to the Bern Convention or the use of LIFE funding. Depending on the needs of the Commission, these contacts also allow scope to occasionally consult experts informally about specific questions or cases.

The European Topic Centre for Nature Conservation forms the scientific backbone of the work of the Commission. The work of the topic centre consists of assessing the state and trends of biodiversity. This involves developing indicators and writing articles on biodiversity in reports of the Agency, such as in *Environment in Europe at the turn of the century* (Agency, 1999). For the realisation of Natura 2000, and specifically the implementation of the habitat directive, the work of the topic centre concentrated on collecting data and advising the Commission on the implementation process. The first step to support this process was to build a database with reference data. These reference data were incorporated in the European Nature Information System (EUNIS), a structure of several databases. In that sense, the EIONET was also a telematics network for building a repository of information for the Commission and the member states. It is this linkage of existing databases that constitutes the European Union contribution to the clearing house mechanism. But it took a lot of time and effort to solve the technical and organisational difficulties of linking these databases whilst the data collection for Natura 2000 was bound by a more rigid timescale. The efforts in the European Union concentrated first on further developing and updating the EUNIS databases, which included the ORNIS database with all the information and data on the sites designated as Special Protection Areas under the bird directive. This set of databases belonged, in theory, to the European Union and was managed by the topic centre, but would have to be made publicly accessible according to the clearing house mechanism. For the time being, the EUNIS databases served mainly the implementation of European policies, including the bird and habitat directives for the realisation of Natura 2000.

In principle, the data needed for the EUNIS databases, insofar as they were complete and accessible, came in through the national reference centres of the EIONET network. Some information arrived after being filtered by the national reference centres. This depended on whether the national reference centres made their own assessment before sending on the information. Not all the information was publicly accessible, particularly data on military exercise terrain which, because

of its one-sided and extensive use, often had great natural value. In such cases, there was no way that the European Topic Centre for Nature Conservation could contest the political pressure to hold back information. So, where possible, the reference data were compiled with independent, generally available data.

In general, making basic data available proved difficult. There was a genuine lack of data. All that the national reference centres could come up with for some species were very general data on distribution. If available, more reference data were found in several parts of the Atlas Europeae on the distribution of e.g. mammals and vertebrates. But for some species, such as vertebrates, data on the population size and distribution simply did not exist. On the other hand recent data on birds were widely available simply because, in all European countries, the contingent of voluntary birdwatchers was larger than the other interest groups added together. For further additions to the database, various current data that became available in other sources were gathered through the partners in the Topic Centre consortium. Data comparisons and additions were made on the basis of distribution maps from the red books made for the red list of threatened species. This exercise was hampered by differences in the scale of inventories and maps. Some were in a 10 x 10 kilometre grid, while others, like the atlases, were in a 50 x 50 kilometre grid. Italian red books did not have maps but gave a general indication of the population of a species to be found in each region. Another source that generated a lot of data that was closely related to the data needed for Natura 2000 was the Council of Europe. For almost all the larger mammals and carnivores there was a species action plan that contained relatively detailed information on distribution.

#### *Formal network, informal contacts*

Like the informal day-to-day contacts between the Commission and the topic centre are more intensive than the formal contacts, also the formal contacts within the wider EIONET network are limited. The identification of the relevant institutes and experts that serve as 'national reference centres' or 'national focal points' is helpful, but its success is not so much due to the formal procedures for data and information exchange as to personal contacts which have been built up over the years and were secured by the variety of nationalities and personal backgrounds of the staff of the ETC-NC. In that sense, the network structure of the Agency and EIONET reflects the high degree of organisation in the international network of organisations that are active in nature conservation. Haas calls this 'epistemic communities' of experts that are able to play a dominant role in international policy-making in situations of where there are demands for information: "The members of a prevailing community become strong actors at the national and transnational level as decision makers solicit their information and delegate responsibility to them" (Haas, 1992, pp. 3-4). Experts in nature conservation are found among NGO professionals, scientists in universities and research institutes, government officials with specific scientific background in biology, ecology, landscape planning, entomology, et cetera. Projects were developed mutually and, after a search for funding, were undertaken in partnership – even projects to gain insight into the organisation of the institutes and

organisations active in nature conservation and international policy development, such as in the *'Facts and Figures'* report of the ECNC, the European Centre for Nature Conservation (Delbaere, 1999). The ECNC was itself exemplary of a network, consisting of 34 partners from the academic world, government research institutes and NGOs. They participated jointly in projects for governments, European Union and Council of Europe institutions, and international organisations. ECNC had also put together the pan-European biodiversity strategy for the Council of Europe. Priorities for further research, setting up conferences or for reports were often initiated in informal co-operation between scientists and policy-makers active at international level with a view to the fragmented funding opportunities.

The involvement of organisations like ECNC in a European Topic Centre for Nature Conservation was a strategic move to ensure an official link to the work that was undertaken by scientific experts for European Union policies. The ECNC even secured this link further in their internal organisation with a scientific board that included European Union officials and with a working programme that covered European Union and Council of Europe policy themes. The many interlinks between organisations, institutes and NGOs in nature conservation were also reflected in collective projects.

One of these projects was to compile an overview of all the sites covered so far by international agreements on nature conservation. Accordingly, the Common Database on Internationally Designated Sites was created for the Council of Europe in a partnership between the professional organisations of the ECNC and the World Conservation Monitoring Centre and the European Environment Agency: "Thus, and in order to consolidate the process of development of the Pan-European Ecological Network, it was considered as a priority to identify and integrate existing sources of information on natural areas of pan-European importance" (Europe, 1998, p. 11).

#### *Policy arena around data-exchange on Natura 2000 and biodiversity*

The aim to create Natura 2000 as laid down in European Union policies was part of international agreements on maintaining biodiversity as the focal point for nature protection. The public and political support for nature conservation was boosted with the formulation and adoption of the biodiversity strategy in an international context in the early 1990s. In the European Union, the efforts to protect nature in the light of maintenance of biodiversity concentrated on developing an approach to creating ecological networks and protecting the habitats of endangered species. The concept of Natura 2000 was connected in this larger international context with concepts like EMERALD, which is the pan-European network of nature areas. Although there are differences in scope and coherence, both the concepts of EMERALD and Natura 2000 promote the creation of an ecologically coherent network of protected sites. Natura 2000 is based on the European Union bird directive and habitat directive which, unlike international agreements such as the Bern Convention on which the EMERALD network is based, can be enforced and formally implemented.

Policy (sub-)arena around data exchange for Natura 2000 in the light of the biodiversity strategy	
Composition	<p>International nature conservation organisations, United Nations, Council of Europe, and the European Union institutions and its member states were engaged in realising the aim of increased information exchange on the state of biodiversity.</p> <p>European Union institutions were created to carry through this process. Expertise from organisations and scientific institutes was employed for data collection.</p> <p>Government officials/experts, scientific experts and NGO representatives/experts were brought together to share their knowledge and data on selected species and habitats.</p>
Selection & identification	<p>Selected habitats or selected species were placed at the core of European Union nature conservation policy and linked to the nature conservation policies of the member states within the framework of international agreements for the maintenance of biodiversity and free data exchange. Expertise from scientific institutes, government institutions, consultancy firms and NGOs was required to strengthen the principle of habitat protection and the creation of an ecological network.</p> <p>The natural assets inside and outside the existing system of protected sites, based on historical grounds and regional or national notions of nature protection, were systematically reviewed.</p>
Interactions & exchanges	<p>Negotiations in international policy process on creating agreements on nature conservation were closely supported by expanding knowledge from research and studies.</p> <p>Exchange of data on habitats and species concentrated on building digital databases</p> <p>Scientific notions of ecological networks, and natural relations and processes permeate in policy processes, lawsuits and funding procedures for pilot studies.</p>

**Box 7.3** - *Properties of the policy arena around Natura 2000*

The focus in the biodiversity strategy on promoting research and data exchange on key ecological resources boosted the mobilisation of international expertise for Natura 2000 (see Box 7.3). Supported by the more long-term efforts for creating a clearing house mechanism for information on biodiversity, the process of gathering data that was directly needed for the implementation of the bird and habitat directives brought together expertise from various sources on key ecological resources in the European Union territory. In this implementation process, the notions of the selection and protection of sites needed to be further fleshed out in order to be practically applicable. The formal institutionalisation of these efforts with the establishment of EIONET network and the European Environmental Agency

facilitated frequent informal and personal contacts. There was a strong international community of professionals involved in which Natura 2000 contributed to the establishment of a policy arena that specifically concentrated the efforts of these experts, institutes and organisations in various fields of international and national nature protection (see Box 7.3, as well as Figure 7.2 on page 294 for overview).

### 7.3 Knowledge and action for Natura 2000 in North Rhine-Westphalia

The procedures for identifying and selecting sites for Natura 2000 in North Rhine-Westphalia were directly linked to the international and European efforts to build a common knowledge base on the key ecological resources relevant for maintaining biodiversity. At first sight, strong similarities appeared to exist between the scope of nature protection policy of North Rhine-Westphalia and the concept of Natura 2000 for creating a network of nature areas. One of the thrusts of both policies was to establish an ecological network of protected areas. The similarity even extended to the name: the *Biotopverbund* which North Rhine-Westphalia wished to establish was called *Natur 2000*. However, somehow the process of building a common European database on natural values that formed the basis for establishing Natura 2000 did not easily fit in with local nature protection practice in North Rhine-Westphalia. Under the close co-ordination of the *Ministerium für Umwelt, Raumordnung und Landwirtschaft* the implementation of the habitat directive ran into difficulties that could be traced to differences between the two approaches for establishing the envisaged networks of nature areas.

The difficulties that arose around the creation of Natura 2000 were especially reflected in the type of data that were required for the selection of sites according to the priorities laid down in the habitat directive, and the data available to the Ministry of North Rhine-Westphalia when it first compiled the list of selected sites. In its initial approach, the ministry tried to build on the ideas developed for the 1995 *Landesentwicklungsplan* and basically tried to project the wishes stemming from this process onto the habitat directive. This attempt to apply the instrument of the habitat directive to its own policy aims highlighted the tension between the European Natura 2000 and *Natur 2000* of North Rhine-Westphalia.

#### *'Natur 2000' versus 'Natura 2000'*

The idea for the ecological network of protected areas for North Rhine-Westphalia entitled *Natur 2000* stemmed from the late 1980s, the same period in which Natura 2000 was developed within the habitat directive (see Box 7.4). The 1995 *Landesentwicklungsplan* officially carried through this new perspective on nature policy, which was launched earlier in a discussion document as *Natur 2000* (MURL, 1994; Jong, 1999, p. 75). As North Rhine-Westphalia had no separate policy document for nature protection, the policy on nature protection and landscape preservation was covered by the *Landesentwicklungsplan* (Backes, 1993, p. 402; Jong, 1999, p. 72). The *Landesentwicklungsplan* was a strategic policy document containing

<b>Natura 2000 (European Union)</b>	<b>Natur 2000 (North Rhine-Westphalia)</b>
Ecological network built up with: <ul style="list-style-type: none"><li>• sites with populations listed of bird species</li><li>• sites containing populations of a listed selection of other species</li><li>• sites with habitats of a listed selection described with characteristic vegetation communities and species</li></ul>	Ecological network of landscape types characteristic for North Rhine-Westphalia. Regeneration of landscape structures to pre-industrial situation, with certain morphological qualities and potentially containing characteristic communities of vegetation and species
Ecological network is representative for biological diversity in the Atlantic biogeographical region	Ecological network is representative for landscape types in the 8 <i>Großlandschaften</i> of North Rhine-Westphalia
Selection of sites on the basis of ecological data	Selection of areas mainly in the regions with special nature protection programmes ( <i>Flußauen, Feuchtwiesenschutz</i> etc.)

**Box 7.4 - Competing concepts for an ecological network**

indications of nature areas that needed to be protected. The *Bezirke* and *Kreise* had the task of working out the designations in further detail.

Besides the existing protected nature areas, the 1995 *Landesentwicklungsplan* offered two new policy categories in order to secure the creation of an ecologically connected *Biotopverbund*, namely *Trittsteinlebensräume* and *wertvolle Kulturlandschaften*. The idea behind the first category built on ecological insights into population dynamics which suggested that allowing exchanges between populations through corridors or ‘stepping stones’ (or *Trittsteine*) would support the viability of species. The idea behind the second category was that isolated nature areas needed to benefit from an extensification of existing land use in a larger portion of the surrounding historical-cultural landscape (or *Kulturlandschaft*) in order to maintain the key ecological resources within protected sites.

Several experimental projects had been undertaken earlier in North Rhine-Westphalia with this approach. The *Landschaftsverbände*, regional agencies, which were previously occupied mainly with land reallocation to improve conditions for agriculture, now played a major role in projects for landscape restoration and nature protection (Tenbergen, 1997). These were mostly small-scale projects that concentrated on preserving or extending landscape elements such as plantations. Following these experiments on enlarging and connecting protected sites, the 1995 *Landesentwicklungsplan* sought to protect nature areas and to unite them in a *Biotopverbund* for the whole of North Rhine-Westphalia as a more sustainable contribution to nature conservation.

The aim of the *Biotopverbund* was to reverse the ongoing decline of nature in North Rhine-Westphalia, in particular that of certain internationally acknowledged

threatened species<sup>153</sup>. However, the aims of the *Biotopverbund* in North Rhine-Westphalia did not concentrate on protecting these species, but on restoring the characteristics of the pre-industrial landscape: “Ziel ist eine landesweite Regeneration natürlicher Landschaftsstrukturen” (MURL, 1995, p. 33). There was no prospect of agreement on a nature, landscape and spatial policy throughout North Rhine-Westphalia according to the principle of sustainable development. Instead, priority was accorded to preserving at least a selection of model areas for the diversity of the regional landscape. The central issue concerning key ecological resources, or *natürliche Lebensgrundlagen*, highlighted the strong connection between the aims of nature conservation and of preserving open spaces in the landscape: “einem dauersamen und verantwortungsbewußten Umgang mit Freiraum” (MURL, 1995, p. 25). Subsequently, the main aim for nature protection in the *Landesentwicklungsplan* reflected the strong emphasis on the landscape in relation to structures of natural elements.

The *Landesentwicklungsplan* and its elaboration in each of the *Bezirke* that were made towards 1998 showed how the new approach towards creating the ecological network was envisaged in terms of the development of areas that represent the characteristic landscape of North Rhine-Westphalia. To this end, 8 *Großlandschaften* were defined<sup>154</sup>: Westfälische Bucht und Westfälisches Tiefland, Weserbergland, Sauer- und Siegerland, Bergisches Land und Siebengebirge, Kölner Bucht, Eifel, Niederrhein, Ballungsräume Rhein, Ruhr und Aachen (MURL, 1998, p. 15). The landscapes that were typical of pre-industrial North Rhine-Westphalia, such as moorland, riverland and woodland, were described for these different areas which stretched from the flatlands in the north-west of Westphalia to the hills south-east of the Rhine-Ruhr region. In addition to the existing areas which were legally designated for nature protection, there was a thrust to designate large areas with such typical landscapes in which the regeneration of elements such as woods, moors, hedges, treelines, and old river branches contributed to preserving natural values: “Die zeichnerische Darstellung erfaßt festgesetzte und sichergestellte Naturschutzgebiete der genannten Größenordnung<sup>155</sup>, in größerem Umfang aber auch derzeit noch nicht naturschutzrechtlich geschützte Gebiete, die sich für den

153 ‘40% der nordrhein-westfälischen Pflanzenarten, 53% der Säugetierearten, 58% der Vogelarten, 50% der einheimischen Fischarten und 50% der Schmetterlingsarten stehen auf der Roten Liste; sie sind gefährdet, vom Aussterben bedroht oder bereits ausgestorben’ MURL (1995). *LEP NRW. Landesentwicklungsplan North Rhine-Westphalia. Landesentwicklungsprogramm - Landesplanungsgesetz*. Düsseldorf: Ministerium für Umwelt, Raumordnung und Landwirtschaft.

154 The *Großlandschaften* were chosen on the basis of the 40 or so *naturräumliche Haupteinheiten* which were used for compiling inventories and gathering data on key ecological resources in the *Biotopkataster*

155 75 ha MURL (1995). *LEP NRW. Landesentwicklungsplan North Rhine-Westphalia. Landesentwicklungsprogramm - Landesplanungsgesetz*. Düsseldorf: Ministerium für Umwelt, Raumordnung und Landwirtschaft.

Aufbau eines landesweiten Biotopverbundes besonders eignen und hierfür zu sichern sind. ...Sie repräsentiert besondere und typische Standortkomplexe der Naturräume North Rhine-Westphalias sowie verschiedene historisch gewachsene Kulturlandschaften mit den entsprechenden Biotoptypen" (MURL, 1995, p. 33). Along the lines of the *Landesentwicklungsplan*, an encompassing ecological network needed to cover areas that represented all these landscape types: "...Gebieten die die naturräumlichen und geschichtlich gewachsenen Gegebenheiten der Landschaft ausreichend repräsentieren, sowie die Verknüpfung dieser Gebiete zu einem landesweiten Biotopverbund" (MURL, 1995, p. 31). With the corridors and the *wertvolle Kulturlandschaften*, the efforts to elaborate the *Biotopverbund* for North Rhine-Westphalia concentrated strongly on broad landscape protection and (re-)development.

#### *Network of landscapes versus ecological network*

Nature protection areas in North Rhine-Westphalia were singled out in a top-down search for the landscape elements that roughly met the aims of an ecological structure of preserved areas. It was felt that this search was matched by a bottom-up process over the years in which data were gathered on the key ecological resources in these areas. For the selection of sites according to the nature protection legislation of North Rhine-Westphalia, the key ecological resources were eventually compiled on a scale of 1:25,000. These exact sites were searched within the areas marked with a nature protection status in the regional plans<sup>156</sup> on a scale of 1:50,000, which in turn were a specification of the areas with a similar indication in the 1:200,000 spatial plan for North Rhine-Westphalia in the *Landesentwicklungsplan*<sup>157</sup>. The data of inventories for this process and successive monitoring activities were included in the *Biotopkataster*, the land-cover database of North Rhine-Westphalia which had been developed and maintained throughout over twenty years of *Landesentwicklungsplanung*.

The *Biotopkataster* had been recently extended and updated with work on a new landscape programme for North Rhine-Westphalia, due to be adopted around 1997. This *Landschaftsprogramm* was meant to further the *Biotopverbund* envisaged in the *Landesentwicklungsplan*. Although never officially adopted – when it was due for publication it was held back precisely because of the clash over the initial selection of sites for European Natura 2000 network – a lot of extra inventory work was undertaken for its benefit in the early 1990s.

This different background meant that data in the *Biotopkataster* emphasised a combination of physical and biological aspects in order to be able to fully develop the notion of *wertvolle Kulturlandschaften*. The *Biotopverbund*, and the *wertvolle Kulturlandschaften* in particular, represented an approach with a thrust for preserving or reconstructing the history of landscape development of the past 170 years. Consequently, the knowledge base behind this was also built up with a strong aim to

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156 *Bereiche zur Schutz der Natur* in the *Gebietsentwicklungsplan* at the regional level of the *Regierungsbezirke*.

157 *Gebiete mit Vorrang Schutz der Natur* in the *Landesentwicklungsplan*.



determine the potential for restoring cultural-historical landscapes. “Die Auswahl und Anordnung der Gebiete geht auf eine Auswertung der landesweiten Biotopkartierung sowie der zur Vorbereitung von Landschafts- und Gebietsentwicklungsplänen und speziellen Naturschutzprogrammen durchgeführten Landschaftsanalysen zurück” (MURL, 1995, p. 33). Extensive work was undertaken on the renewal and completion of data for geological maps, soil maps, groundwater maps and data on environmental threats and the potential quality of air, soil, groundwater and surface water. These data were combined with renewed data on vegetation communities to determine the potential for the regeneration of the typical landscapes of pre-industrial North Rhine-Westphalia. The potential for regeneration to the desired quality and type of landscape was particularly high along the rivers. This was the basis for the *Biotopverbund* as the leading perspective for the future development of a sustainable nature policy, with *wertvolle Kulturlandschaften* and *Flußkorridore* as its priority elements. The process of site selection for the European ecological network Natura 2000 reveals the differences in priorities between the two concepts for creating networks of nature areas, but strengthened the overall dynamics of nature protection in North Rhine-Westphalia.

#### *Selecting sites for Natura 2000 in North Rhine-Westphalia*

The procedure for the creation of Natura 2000 is laid down in the habitat directive. It calls for a first selection by the member states of ‘proposed sites of Community interest’, which obviously needed to contain habitats or species mentioned in annexes I and II of the habitat directive. The sites designated under the bird directive and the habitat directive together would form the backbone of the Natura 2000. As the main responsibility for nature protection policy in Germany lay with the *Landesregierung* as the *Oberste Landschaftsbehörde*, it was the ministries responsible for nature protection of the *Länder* that took the initiative. For North Rhine-Westphalia, the *Landesanstalt für Ökologie, Boden und Forsten* as the expert institute prepared a list upon the instructions of the ministry. For this first selection, the *Landesanstalt* relied on data available in the land cover database of North Rhine-Westphalia. The result was a fairly rough outline of areas to be designated, containing actual sites to be selected under the habitat directive, on the basis of the 1:200,000 scale of the *Landesentwicklungsplan* for North Rhine-Westphalia.

The publication of this first list met with a public outcry of discontent and anger. This was obviously fuelled by the fear of farmers, foresters and other landowners that yet another nature protection regime would be introduced which would restrict the use of their property in an unknown way. But strikingly enough, the experts and staff of the regional and local authorities involved in nature protection were also upset, albeit for other reasons. On the one hand, there was unease about the fact that the implementation of Natura 2000 was not undertaken in the first instance according to the systematic approach of assessing data on key ecological resources, as described in the habitat directive. On the other, there was unease because strict implementation of Natura 2000 had hampered recent efforts in North Rhine-Westphalia to extend the scope of existing nature protection policies, in particular

with the new *wertvolle Kulturlandschaften*. One feeling was shared by all: namely that there was too little communication on the need for and the consequences of the implementation of the habitat directive in North Rhine-Westphalia.

With the first list of selected sites for the habitat directive causing so much distress, the ministry responsible for nature policy in North Rhine-Westphalia merely sought to effectuate the existing wish to create buffer zones around and ecological corridors between existing protected nature areas: the *Biotopverbund*. Although the same elements were also addressed in Natura 2000, the systematic assessment of all possible sites, based on data for the habitat types and species indicated in the directive was not followed in this stage. It could hardly be otherwise on the basis of the *Landesentwicklungsplan* scale: “Im Maßstab des LEP NRW können nur größere Talzüge, Gewässerauen, feuchte Niederungen und langgestreckte, bewaldete Gebirgszüge als naturgegebene Verbindungskorridore dargestellt werden” (MURL, 1995, p. 33). The first selection of sites for the habitat directive was strongly influenced by experience and data from four special programmes: the *Feuchtwiesenschutzprogramm* for moist pasture land, the *Mittelgebirgeprogramm* for the mountainous region, the important *Auenschutzprogramm* for the natural corridors of North Rhine-Westphalia formed by the rivers and streams, and the *Waldbiotopschutzprogramm* for natural parts of the vast woodlands (MURL, 1998). However, after the commotion around this proposal, the ministry adopted a cautious, step by step approach.

Instead of integrating the selection of sites into the process of building up the *Biotopverbund* approach, the *Landesanstalt* started a more thorough and systematic selection of sites separately from the ongoing nature policy efforts of North Rhine-Westphalia. The *Landesanstalt* had at its disposal the ‘Interpretation Manual’ made for the Commission and the suggestions drawn up by the *Bundesamt für Naturschutz* for the interpretation<sup>158</sup> of habitat types and species laid down in the directive. Both were adapted slightly to the characteristics of specific habitats found locally in North Rhine-Westphalia (CEC, 1996; Brocksieper, 1999).

Like the other *Länder*, North Rhine-Westphalia decided to draw up its list of proposed sites for the habitat directive in three rounds, or ‘tranches’. The idea was that the first round, *tranche 1A*, would concern sites found in existing *Naturschutzgebiete*, or *Landschaftsschutzgebiete*<sup>159</sup> and which were larger than 75 hectares. This first round did not include the sites that met these criteria in federal woodland or on military terrain, or the sites of other land users or landowners who objected to parts of their land being selected for the list of proposed sites for some remote European Union nature protection policy. Therefore, sites that clearly met

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<sup>158</sup> A comprehensive overview was published only just in 1998 BfN (1998). *Das europäische Schutzgebietssystem Natura 2000. BfN-Handbuch zur Umsetzung der Fauna-Flora-Habitat-Richtlinie und der Vogelschutzrichtlinie*. Bonn-Bad Godesberg: Bundesamt für Naturschutz.

<sup>159</sup> *Naturschutzgebiete* and *Landschaftsschutzgebiete* are nature conservation and landscape conservation categories contained in the legislation of the *Länder*, after the federal *Bundesnaturschutzgesetz* (BNatSchG).

the criteria for the habitats directive needed to be proposed in the second round, *tranche 1B*, but only after additional efforts had been invested in inventories and negotiations with landowners and land users. In the third round, *tranche 2*, the sites were selected outside existing *Natur- or Landschaftsschutzgebiete*. Additional data collection was required here as well, and even tougher problems with landowners and land users were expected. Again, the *Landesentwicklungsplan* scale was used to speed up the site selection by looking for sites that were larger than 75 hectares in the existing nature protection areas, as agreed by the *Länder*. But the selection of the exact sites within this first selection proved more difficult than initially expected, which is why the first inventory was considered to be a list of 'search areas' for further specification. The difficulties around the selection of the exact sites were due to the problems of interpreting existing data for the typology of habitats in the directive and often the availability of data.

Despite recent efforts to compile inventories with a view to the *wertvolle Kulturlandschaften* and the *Biotopverbund*, the *Landesanstalt* saw itself confronted with what was now generally perceived as a top-down selection of sites imposed by the European habitats directive with other priorities than those followed so far in North Rhine-Westphalia. With Natura 2000, the habitat directive offered a closed concept as no sites other than the ones containing habitat types or species covered in annexes I and II of the directive could be selected. In North Rhine-Westphalia, this excluded e.g. most of the moist pastureland under *Feuchtwiesenschutzprogramm*. And sites along the rivers and streams of the *Land* faced a narrower and more stringent selection before being included in an ecological network than was foreseen in the *Auenprogramm* as a build-up for the *wertvolle Kulturlandschaften*. The directive system was based on a narrower and more detailed habitat classification which allowed the exact sites to be determined only after an additional sweep of data collection. This caused a huge delay compared with the time schedule in the directive, which required the lists of selected sites of Community interest to be submitted to the Commission by June 1995 (Rödiger-Vorwerk, 1998, p. 9).

#### *Dealing with contested sites*

When at the end of 1999 the list of sites of Community interest for the first round (*tranche 1A*) had been finally agreed and sent to the *Bundesministerium* for submission to Brussels, it featured some 80 sites. But for the second round (*tranche 1B*), which also contained sites larger than 75 hectares, only 60 sites out of 95 were ready to be sent to the *Bundesministerium* for submission to Brussels. The selection of these sites was heavily contested by landowners, farmers, developers, and infrastructural planners. They could only be included in the list after re-examination and reconsideration. In this stage, the distinction between the rounds started to fade as the first round (sites larger than 75 hectares with nature protection status) had not led to the quick submission of sites. Practically all the sites were questioned and ended up at the same time in the re-examination and reconsideration process of the third round (*tranche 2*), which was also largely ready for submission to the Commission via the *Bundesministerium*. In this round, some 520 sites were selected

on the basis of the analysed data, a task for which some 25 members of the *Landesanstalt* technical staff were employed. But additional data were required for the selection of around 60 of these sites.

At this stage, the initial *Alleingang* of the ministry was clearly avenged. So far, the ministry had done all the work for selecting sites by itself, advised by the *Landesanstalt* experts. As in the implementation of policies of the Land, the implementation of the habitat directive – after selection and designation of sites – would also need to be undertaken by the *Bezirksregierung* as the *höhere Landschaftsbehörde* and by the *Kreise/Kreisfreie Städte* as the *untere Landschaftsbehörde*. It was the task of the *Kreise* to undertake the final designation to protect sites within *Landschaftspläne*, which should essentially cover all of the territory of a *Kreis*. Where there was no *Landschaftsplan*, it was the *Bezirke* that secured protection within the framework of their *Gebietsentwicklungspläne*. Despite the knowledge and expertise available in the lower authorities, they only became involved when the problems were already widespread. This also applied to the 37 locally operating *biologische Stationen* or *Biostationen*. The *Biostationen* were public agencies funded mainly by the Land which managed protected sites that were almost fully owned by the Land North Rhine-Westphalia. The *Biostationen* kept herds of sheep on the moors, were responsible for the implementation of the nature policies through land-lease contracts or agreements for adapted farming practice with farmers, and bought farmland for conversion into nature areas if necessary. The *Biostationen* also carried out information and education programmes, and undertook monitoring and inventories.

Despite the knowledge and experience of the *Biostationen* and the lower authorities of the local situation, they were consulted by the *Landesanstalt* only when the data readily available to the *Landesanstalt* and the ministry was put to the test. Extensive survey work on a scale of 1:5,000 was undertaken for 330 sites in 1999 to chart anew the areas in which the sites containing habitats and species were located. The rest was charted even later, in 2000, simply because of capacity limitations. Various private consultants were commissioned by the *Landesanstalt* to get the work done.

The process of re-examination and reconsideration of sites likely to be selected turned into negotiations between the *Ministerium für Umwelt, Raumordnung und Landesplanung* and land users, landowners and other stakeholders. These negotiations, or *Konsenzgespräche*, were undertaken on the basis of the continuously adapted lists and accompanying maps and data that were prepared by the *Landesanstalt*. The ministry in North Rhine-Westphalia was forced into negotiating with almost every single landowner, land user or stakeholder after the data that were used initially for the selection of sites were successfully questioned in court. Farmers represented by *Landwirtschaftverbände*, foresters represented by *Privatwaldverbände*, and other stakeholders hired their own inventory consultants in order to prove in detail that the specific habitat type or species was not actually present in a given site. This was a common problem, as some of the data were ten years old, and in the meantime the population of certain species had disappeared. This was one of the reasons why the *Landesanstalt* needed to more or less chart the areas all over again.

As the co-ordination of the reconsideration was firmly in hands of the ministry in the negotiations on almost every site, the *Landesanstalt* and experts from lower authorities or *Biostationen* were left only in an advisory role.

The additional data collection necessary for the site-selection led to a whole new round of discussions and negotiations between the *Land* authorities responsible for nature protection and private parties such as landowners, farmers, and foresters. Expertise initially provided by the *Landesanstalt* was challenged by counter-expertise hired by stakeholders. Both contributed to new thoughts on nature conservation and helped to give it a new impulse. In the end, it significantly improved the practical dynamics of nature conservation in the member states at regional and local level.

*Selection establishes policy (sub-)arena around the protection of sites*

Despite the similarity in name of the policy concepts for an ecological network at the European level (Natura 2000) and in North Rhine-Westphalia (*Natur 2000*), there are fundamental differences in the two approaches. The emphasis in the concept for an ecological network in North Rhine-Westphalia lies much more on landscape elements in relatively large areas. The emphasis in the European concept of an ecological network lies on a selective list of habitats and species which sets different priorities. The similarity is that both approaches for creating an ecological network require data on distribution of vegetation and species for selecting sites that need to be protected. In the concept of the *Biotopverbund* for North Rhine-Westphalia the attempt is to make ecological data that are understandable, usable and applicable to non-experts (such as planners, government officials and the general public) by locking them up to recognisable landscape ideals. In the Natura 2000 approach, the attempt is to make direct linkages between relevant and ready-to-use ecological data of experts and decision-making on land-use change for selected sites by decision-makers and stakeholders. In the domestic approach to nature conservation of North Rhine-Westphalia the pre-industrial landscape was used as the icon for conveying the message of ecological expertise behind the need to create favourable conditions for nature. In the European approach, expert knowledge was thought to permeate all decision-making processes that affected key ecological resources.

Landowners and land users in North Rhine-Westphalia were soon aware that they were facing a site-selection process at local level with unknown legal consequences ahead. These consequences were difficult to oversee when inventories were being compiled of habitats and species on their property. Yet, the requirements in the directive for a regime of protection measures once sites were designated were strongly anticipated during these inventories and the submission of proposed sites of Community interest to Brussels. Test cases before the European Court of Justice had built up a small but clear enough body of jurisprudence on the effect of the provisions in the directive for decision-making on developments that affected sites containing habitats and species mentioned in the annexes<sup>160</sup>: impact assessment, opinion of the Commission. Discussion about data on the existence of a habitat or a

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<sup>160</sup> Directive 92/43/EEC. art. 6

Properties of a policy arena around Natura 2000: protection of sites	
Composition	<p>Landowners/users and local and regional authorities were confronted with legislation committed to changed definitions of natural assets within their jurisdiction.</p> <p>Regional authorities initially merely informed the <i>Land</i> and land users, even though they were responsible for protection and management in later stages.</p> <p>Private consultants were employed by stakeholders for inventories and to advise on restrictions on land-use by additional European legislation.</p> <p>The <i>Land</i> (<i>MURL</i>) negotiated directly with organised and individual landowners/users and stakeholders.</p> <p><i>LÖBF</i> and <i>Biostationen</i> experts were called in to mediate between <i>Land</i> and landowners/users.</p>
Selection & identification	<p>Requirements and principles of protection for the habitats of rare species according to European legislation differed from priorities and management of sites for conservation in policies that were in force in North Rhine-Westphalia.</p> <p>The <i>Biotopverbund</i> had a thrust for restoring relatively large areas of typical landscape of North Rhine-Westphalia, whereas Natura 2000 had a thrust for the protection of a selected set of habitats and species.</p> <p>Selection of sites on ecological ground was intertwined with regime of protection and compensatory allowances</p>
Interactions & exchanges	<p>The renewed and expanding amount of data on key ecological resources that were exchanged reflected the shift in priorities for habitats and species to be protected (without much of a fundamental debate on the changed notion of ecological network).</p> <p>Exchange of data on habitats and species was linked in negotiations between authorities and landowners and land users to agreement on compensatory allowances.</p> <p>Aims of European nature protection imposed upon North Rhine-Westphalia contributed significantly to greater and clearer insight into key ecological resources and effectively led to doubling of nature conservation areas</p>

**Box 7.5-** *Properties of the policy around Natura 2000*

population was linked directly in North Rhine-Westphalia with negotiations on the consequences of designating the site. Most of the selected sites would be designated under existing nature protection legislation, which would lead to an almost 100% increase of protected areas in North Rhine-Westphalia. The *Land* of North Rhine-Westphalia was forced into intensive and detailed negotiations in which contracts were arranged with landowners who were affected by the selection of sites for Natura 2000. They were given allowances to compensate for the consequences of promoting the conservation of the habitat or species concerned.

## 7.4 Data-exchange in the Atlantic bio-geographical region

The clash between Natura 2000 and the *Biotopverbund* approach in North Rhine-Westphalia reflects a common feature of nature protection policies. Nature protection has a long-standing, 100-year tradition in almost all European Union member states. The concept of Natura 2000 marks a departure from well-established conventions and traditional priorities. New actors are addressed; international NGOs in particular were offered more structural opportunities to contribute their knowledge and ideas. On the basis of the principle of habitat protection, the Natura 2000 concept implies a fundamentally different, systematic approach based on the prioritisation of key ecological resources with a view to maintaining biological diversity. Thinking from data on these key ecological resources towards the selection of sites on the basis of a set of criteria that together should form an ecological network of nature areas was rather unusual, even for the member states that did already have an extensive surface of protected areas. What followed was something of a hampered implementation procedure that took much more time than was foreseen in the directive, and in which the tasks and responsibilities between the Commission, member states, lower authorities and expert institutes needed to be settled at each step. The very selection criteria for sites for Natura 2000 were also developed along the way.

### *Selection of Natura 2000 sites by the member states*

The first part of the work of selecting sites rests with the member states, according to the provisions in the habitat directive and its annex III (see Box 7.6). Despite the rather operational set-up of the habitat directive, it was not clear at all at the time of its adoption what the operational criteria for a first proposal would be in terms of the number, size and coverage of the sites. After the directive was adopted, the habitat typology in the CORINE system was reviewed, adding, for instance, extra habitat sub-types. Subsequently, an Interpretation Manual was compiled at the request of the Habitats Committee, with support by the Scientific Working Group, which contained the extended list of habitat types and technical explanations for the interpretation and application of the criteria for the selection of sites<sup>161</sup>. For each habitat type, an indication was given of the area in which it was usually found and the rough location of the known sites. The corresponding typology of the member states was also indicated.

In the first stage of the creation of Natura 2000, each of the member states followed their own systematic selection process. In particular with regard to the size and number of sites to be selected for the habitat directive each had developed its own line of thought, such as the 5 best quality sites (UK), or sites of at least 250 hectares (the Netherlands), or 75 hectares (North Rhine-Westphalia). The premature interpretation of the UK with a view to selecting only best quality sites with certain habitats was put

<sup>161</sup> Interpretation manual of the European Union Habitats (CEC, 1996a). The manual was further elaborated after the accession of Sweden, Finland and Austria to the European Union.

**Procedure for the selection of Natura 2000 sites (in particular the Habitat directive)**

- Member states proposes a list of sites of Community interest (SCIs) hosting habitats and species and submitted it to the Commission
- The ETC-NC assesses the list of proposed Sites of Community Interest, advising the Commission whether the proposals were adequate
- The lists are discussed in seminars for each bio-geographical region with member states representatives, NGO representatives for each member state, Commission officials, and independent experts, organised (and presided) by ETC-NC
- The Commission draws up a list of sites of Community interest hosting one or more habitats of species
- The Habitat Committee, consisting of representatives from the member states and chaired by the Commission, adopts the list of sites of Community interest by qualified majority
- Member states are obliged to designate these sites as special areas of conservation

**Box 7.6** - Procedure followed, based on art. 4.1-5 and 6.1-4, of Directive 92/43 EEC

aside during the process. The same applied to the approach followed in North Rhine-Westphalia in which, as in the whole of Germany, the first series of sites was selected by checking which of the habitat types and species mentioned in annexes I and II of the habitat directive were present in existing nature conservation sites. In most cases this first selection disregarded the ecological quality of the habitats in the proposed sites. Many of such contradictory interpretations initially hampered the implementation of the habitat directive and the creation of Natura 2000.

It is understandable that most member states had a way of working which was not entirely in tune with the systematic approach envisaged in the directive. Firstly, there were practical reasons for this: for example, the simple fact that many key ecological resources had simply ceased to exist outside protected areas after years of intensive land use in regions such as North Rhine-Westphalia. Looking first to existing nature areas had a certain logic. Secondly, there were formal reasons, such as the novel way of working that requires that the member states implement completely new procedures for nature protection.

In the German institutional set-up with its division of competencies between the central federal government and the *Länder*, the latter were responsible for the nature protection policy. But according to the German federal framework law on nature protection, only the federal tier had the authority to represent nature protection interests outside Germany. Therefore, it was the nature protection section of the *Bundesministerium für Umwelt* which had authority over the implementation of the habitat directive. The implementation of the habitat directive showed how the consequences of this division of responsibilities between the government tiers in the German federation necessitated joint efforts in vertical co-operation and co-ordination mechanisms.

There is a formal co-ordination mechanism to deal with this typical German intertwined political process: the Umweltministerkonferenz. This is the platform of



ministers of the *Länder* responsible for environment and nature protection, in which the federal minister was a non-voting member. In 1995, when the lists of proposed sites had to be submitted to the Commission, the *Umweltministerskonferenz*<sup>162</sup> decided that the *Länder* could not propose any sites. Firstly, it demanded that a federal law was required for the procedure of site selection, and secondly that some other political issue – which had nothing to do with the habitat directive but in which federal funding was involved – needed to be solved as well. After the Commission took Germany to the European Court of Justice<sup>163</sup>, the *Länder* recognised that their political pressure would be unsuccessful, and their ministries could indeed draw up a procedure for the implementation of the habitat directive themselves<sup>164</sup>. Each of the *Länder* adopted such a procedure according to their respective planning or nature conservation laws. A draft was prepared jointly in the *Länderarbeitsgemeinschaft für Naturschutz und Landschaftspflege*, in which the nature protection officials of the *Länder* ministries co-operated. At federal level, the *Bundesrat*, which is the *Länder* representation in the German federation, often forms a working party for such joint policy efforts on issues for which the *Länder* are responsible and for which the federal ministries are simply too small and lack expertise. Yet, in the case of the habitat directive, the *Bundesministerium* secured a federal contribution by sending the lists it received from the *Länder* to the *Bundesamt für Naturschutz* to make the necessary assessment for Germany, check the data and put together the German list. Therefore, the compiled German list was something of a joint responsibility of the *Länder* and the federal *Bundesministerium für Umwelt*.

This way of working, in the end, is an example of the intertwining political processes at federal and *Länder* tier that was characteristic of German policy-making (Fürst, 1993)<sup>165</sup>. On the one hand, the *Ministerium für Umwelt, Raumordnung und Landwirtschaft* of North Rhine-Westphalia had the task of putting together the list of proposed sites of Community interest. On the other hand, the list could only be sent to the European Union by the *Bundesministerium für Umwelt* according to the federal procedures, which included notifying all the other ministries concerned. Furthermore, all formal contacts with the Commission went through the *Bundesministerium*. Also the German representation in the Habitats Committee was a joint affair, with one official from Hessen representing all the *Länder* and one *Bundesministerium* official. The *Bundesministerium* official was the only one who could speak and vote officially on behalf of Germany. Also, in the scientific working party there was a representative of

162 Also see the explanation on the *Ministers Konferenz für Raumordnung* in The EU compendium of spatial planning systems and policies. Germany (CEC, 1999c).

163 Case C-7/99

164 Einführungserlass zur Anwendung der nationalen Vorschriften (19a ff BnatSchG) zur Umsetzung der Richtlinien 92/43/EWG (FFH-RL) und 79/409/EWG (Vogelschutz -RL). Entwurf (Stand 31-08-1999), Rd.Erl.d. Ministerium für Umwelt, Raumordnung und Landwirtschaft v.,... -III B2-616.06.00.02. This is a 1999 version of a draft procedure that ought to have been fulfilled in 1995.

165 Also see (CEC, 1999c).

the federal institute, the *Bundesamt für Naturschutz*, and a representative of a *Landesanstalt*, the technical expert institute for nature conservation in each of the *Länder*. In effect, these formal representation problems were solved in a practical way as most of the officials involved are well known to each other.

*First assessment of selected sites by the member state*

The *Bundesamt* occupied a natural position in this process, as it had also compiled an interpretation manual for the habitat directive for Germany. This manual consisted mainly of an elaborate adaptation of the habitat typology used in Annex II of the directive to the German habitat typology. Furthermore, a first indication was given, in text and on maps, of where these habitats and species could be found. In their selection process, the *Landesanstalten* regularly consulted the *Bundsamt* to check their interpretations and stress their specific difficulties in the hope that they could be solved in the Habitat committee meetings<sup>167</sup>. These problems related mainly to the question of whether to ascribe a habitat which occurred in a characteristic local combination of vegetation to a certain type or not. Another important issue for the *Landesanstalten* was whether certain habitat types were distributed mainly in their region, or whether the sites in their region were on the fringes of the main distribution. Generally, in the first case, only the best quality habitats needed to be selected. In the latter, often sites with inferior quality habitats also needed to be selected to ensure biodiversity.

The extra assessment made by the *Bundsamt* was one reason why Germany was relatively late in submitting its list of sites to the Commission. The other reason was that after the habitat directive had been adopted, it took a few years for the *Länder* and the *Bund* to sort out their mutual responsibilities and for the *Länder* to actually start preparing the list of sites for submission to the Commission. In addition, party political factors played a role. Even though the political coalition that led North Rhine-Westphalia included the green party, the *Grünen* did not initially support the implementation of the habitat directive in any way. The *Grünen* concentrated their efforts on the 'grey' environment, following a philosophy that nature protection was neither necessary nor useful if the overall pressure on the environment was not relieved. In other words, once environmental conditions improved, nature would recover as well.

Like all the other German *Länder*, North Rhine-Westphalia did not seriously start the site selection process until after the deadline for the submission of the list of proposed sites of Community interest had expired in 1995, three years after the adoption of the directive in 1992. The process that was then followed cut the selection into three *tranches* (1A, 1B, 2) of different sets of sites depending on the

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167 Einführungserlass zur Anwendung der nationalen Vorschriften (19a ff BnatSchG) zur Umsetzung der Richtlinien 92/43/EWG (FFH-RL) und 79/409/EWG (Vogelschutz -RL). Entwurf (Stand 31-08-1999), Rd.Erl.d. Ministerium für Umwelt, Raumordnung und Landwirtschaft v....., -III B2-616.06.00.02. This is a 1999 version of a draft procedure that ought to have been fulfilled in 1995.

difficulty of collecting the selection data: large, existing nature areas, then other large areas, and lastly smaller areas for which additional data collection was needed. Although the initial distinction between the sets of sites (based on data availability) disappeared and was replaced by the chance of agreement on the selection of sites with the stakeholders, the results were the same. The list of sites selected for Natura 2000 was produced in parts and sent off for submission.

Once agreement was reached on a tranche of the list within the *Landesregierung* of North Rhine-Westphalia, it was sent to the *Bundesministerium*. On the instructions of the *Bundesministerium*, the *Bundesamt* basically made its own assessment at federal tier of the lists prepared by the *Länder* – somewhat similar to what the topic centre in Paris did on the instructions of the Commission with the lists submitted by the member states. But the *Bundesamt* obviously looked at their own German data to check whether the Land had proposed sufficient sites and whether they somehow matched the list of the other *Länder* in the same bio-geographical region<sup>168</sup>. Only the basis of the German data that were used differed from the more extended reference data sets used by the topic centre. The *Bundesamt* also used a compilation of available data sets and incidentally consulted NGOs, such as the *Naturschutzbund*. Although the *Länder* accepted that the *Bundesamt* played a role in putting together the lists of sites, in the contacts between the federal experts and the experts at the *Landesanstalt*, they could suggest that a Land should propose more or better sites, or give more and better data. But in the end, neither the *Bundesamt* nor the *Bundesministerium* could demand additional proposals from the *Länder*. The *Bundesamt für Naturschutz* criticised the *Länder* for submitting incomplete lists, for proposing low-quality sites and for using the wrong data<sup>169</sup>. But in the end, for North Rhine-Westphalia, they were completely dependent on what the *Landesanstalt für Ökologie, Boden und Forsten* sent to them.

Before the list of proposed sites of Community interest could be submitted to the Commission, the *Bundesministerium für Umwelt* also had to notify other federal ministries, e.g. to check whether the proposed sites would hamper infrastructure planning interests, before passing on to Brussels the list of proposed sites of Community interest. Like most member states, Germany had a problem with the federal defence ministry, which is also a prominent land owner in North Rhine-Westphalia. The *Bundsamt* had indicated that the sites with good-quality habitats and species that needed to be protected under the habitat directive were located on military terrain. The typical and generally rather extensive use of these large terrains had left

168 National assessment according to Art. 4 of the Habitats Directive (92/43/EEC) applying the criteria laid down in Annex III BfN (1998). *Das europäische Schutzgebietssystem Natura 2000. BfN-Handbuch zur Umsetzung der Faune-Flora-Habitat-Richtlinie und der Vogelschutzrichtlinie*. Bonn-Bad Godesberg: Bundesamt für Naturschutz.

169 According to Hartmut Vogtmann, the newly appointed president of the *Bundesamt für Naturschutz*, many *Länder* submitted lists of sites of poor quality: "Viele Länder melden Schrott" in a German newspaper, 17 February 2000. Vogtman further states that the *Bundesamt* will claim a bigger role in the future, not only taking in a neutral technical contribution but also in the political decision-making.

many key ecological resources untouched for a long period of time. Having a secretive and non-communicative culture, the defence ministries feared that other parts of the government (or even the European Union) would interfere in their affairs and objected strongly to the proposal of sites in their terrain. In Germany this remained largely unsettled. In France, the data on key ecological resources simply qualified as a state secret, making it impossible to select sites at all. In the UK both ministries involved had reached an understanding on how to deal with the consequences of site selection.

#### *Second expert assessment of proposed sites at European level*

The list of proposed sites of Community interest could only be submitted to the Commission when the elaborate formal datasheet had been filled in and enclosed with it<sup>170</sup>. The Commission checked whether all the information was included – in particular the digital version of the datasheet – before sending it to the Topic Centre in Paris. Another reason for the delay in the whole process was simply that the German *Länder* and member states sent their lists to the Commission only on paper, expecting that to suffice for the time being. It was crucial that the digital version of the official datasheet was the only format that could be assessed by the Topic Centre.

The assessment of proposed sites was not just a matter of checking the EUNIS databases to see whether they covered the right populations of species or the right habitats. In the Topic Centre, an assessment was carried out on the basis of the reference data that had been gathered in advance. Obviously, the EIONET network of expert institutes was created to mobilise the required expertise, but it had no responsibility for specific tasks in the selection process. If necessary, the *Bundesamt für Naturschutz*, as the German partner in the EIONET, was consulted directly by Topic Centre staff. The German federal ministry was not involved in these technical requests, nor was the Commission or the European Environment Agency. The data submitted on the proposed sites of Community interest were the only data with the official political approval of the member states. The frequent and more or less informal contacts between the Topic Centre and national reference centres such as the *Bundesamt* related to the interpretation of habitat types and reference data concerning these sites in particular. When the Topic Centre wanted to check data in the member states' lists or double check their own reference data when they noticed sites that were missing on the member states' lists, they might also consult NGOs. The Topic Centre informally asked the European Habitat Forum of NGOs whom they should consult to find the additional reference data or comments. No matter how informative these consultations were, and even if they suggested sites that were not included in the list submitted by the member state, the Topic Centre was not in a position to propose other sites than those on the list.

#### *Final assessment at the bio-geographical seminars*

The final assessment and official selection of sites is carried out in two or three seminars for each bio-geographical region (see Map 3). This assessment is an

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<sup>170</sup> Commission Decision 97/266/EEC contains the datasheet

elaboration of the procedure set out in the habitat directive<sup>171</sup>. These bio-geographical seminars are dedicated entirely to the selection of sites and to the interpretation and further development of selection criteria. North Rhine-Westphalia lies for the greater part in the Atlantic bio-geographical region<sup>172</sup>. With the exception of the Macoranesian region<sup>173</sup>, this process of site selection was not completed for any of the bio-geographical regions in the timescale envisaged in the habitat directive<sup>174</sup>. The seminars were restricted to assessing the lists of proposed Sites of Community Interest. No other issues connected with the implementation of the directive were discussed, as this was done in the Habitat Committee or in the scientific working group.

The bio-geographical seminars were organised by the Topic Centre. There was a set of characteristic issues that needed to be settled in the bio-geographical seminars which were apparently unclear after the assessment of the lists of proposed sites of Community interest on the basis of the reference data of the Topic Centre. Three elements proved crucial for the selection of sites of Community interest. The first two related to determining the representative of a proposed site for the habitat type of species concerned, which was one of the key factors. The third related to the key factor of the ecological coherence of the network.

Firstly, there was an ongoing debate on the size of the sites. This was embedded in the system of the habitats directive, because there was no agreement possible when the directive was drawn up. Some member states envisaged a minimum percentage of the territory, whilst others who feared the scope of the directive wanted to ascertain a maximum. The directive only set a maximum benchmark 5% (of the member states' territory), after which a member state could negotiate with the Commission. The problem was that it proved impossible to determine a generic figure. This is why, in the end, it was not included in the directive. For some very rare species of habitat types, such as the brown bear in Spain, a 60%-80% protection of known sites might alone be sufficient for securing a favourable conservation status. And there were species that were found in only one or two places, in which case it was perfectly logical for all the participants in the seminar to agree on 100% protection. Whether these separate figures added up to a certain percentage of the member states' territory was impossible to say in advance. As it was difficult for the Topic Centre to establish the necessary number and size of sites for some of the habitat types and species prior to the seminar on the basis of the available data, it was a matter of determining at the seminar the intuitive minimum level of protection.

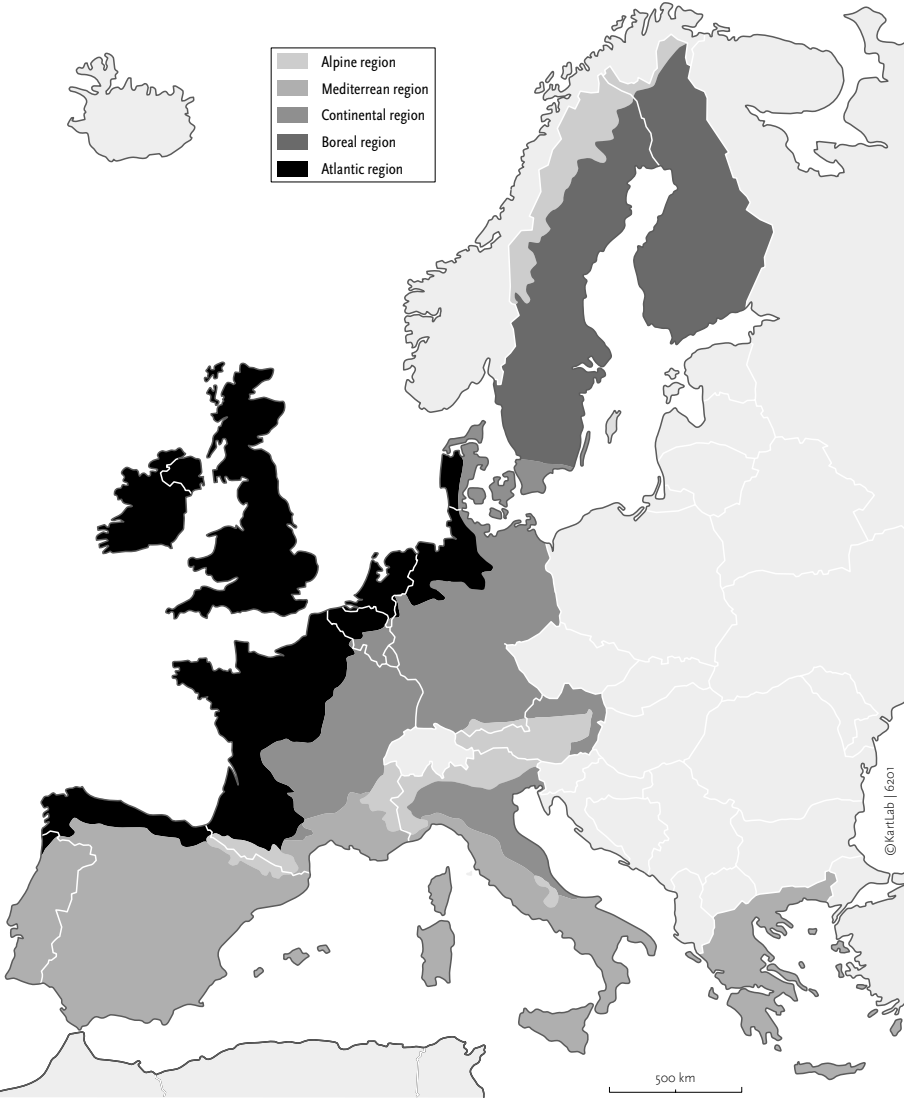
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<sup>171</sup> Art. 4.2, Council Directive 92/43/EEC

<sup>172</sup> The Atlantic biogeographic region comprises the whole of the UK and Ireland, the western part of Denmark, the north-western part of Germany (parts of Niedersachsen, Schleswig-Holstein, the Netherlands, the northern part of Belgium, central and western France, the north of Spain and the tip of Portugal).

<sup>173</sup> The Macoranesian biogeographic region covers the Spanish and Portuguese archipelagos in the Atlantic Ocean.

<sup>174</sup> Art. 4.3, Council Directive 92/43/EEC



**Map 3 - Biogeographical regions in Europe**

Secondly, there were situations where the proposed sites were not evenly distributed over the member states' section of the bio-geographical region. In these cases, an indication was needed of whether a species or habitat type had a continuous distribution or not. In practice it meant that an expert opinion was accepted to solve disputes. This was also why in these situations the contribution of NGOs was accepted when they were able to show that they had undertaken extra work by making inventories and gathering data based on the experience of their organisations in their preparations for the seminar.

Thirdly, there was the objective that, in the end, sites should form an ecologically coherent network. For some species, birds in particular, this was not too difficult to establish. But this was less so for organisms with populations that had a distribution of only a few hundred square metres. For many of the participants it was already a giant step forward that a systematic approach had been developed for the selection and protection of habitats of rare species in certain sites throughout the European Union. The need to create a real network was less urgent.

As the organiser of the seminars, the Topic Centre staff facilitated the meetings and mediated between the participants, notably the Commission and the member states, and between member states themselves. The seminar procedure was first to discuss the very few, habitat types and species for which adequate sites were proposed by all member states. Then, the totally inadequate sites were discussed. After agreement on these two issues (very few objections were mooted as all the participants agreed on these clear-cut cases) the middle group of habitat types and species for potentially adequate sites was proposed and discussed one by one. This procedure allowed for maximum consensus on the assessment of the member states' lists of proposed Sites of Community Interest. It also secured the opportunity for the independent experts, NGOs and known experts among the representations of the member states to comment on the sites of Community interest that were proposed for each habitat type.

#### *Bridging different views on Natura 2000 in the bio-geographical seminars*

As can be expected, there was a wide difference between what the member states came up with the first time. Whereas Denmark had a fairly complete list from the start, the lists of the UK and France were fairly incomplete, and Germany had no list at all at the first two seminars. The Commission considered the French position in the Atlantic bio-geographical seminar crucial for the continuation of the process. All large member states had considerable shortcomings in their lists of proposed sites of Community interest, and Germany even failed to deliver anything to the Commission in the first stage. The UK had its own specific ideas about how to select sites, which were based on the narrowest possible interpretation of the habitat directive: only sites of the best ecological quality. Obviously, this resulted in a rather limited list of sites. The French had strongly opposed the implementation of the Habitat directive for various political reasons during the Chirac government. At first instance, the change to the Jospin red-green coalition with a green minister responsible for nature conservation was clearly reflected in the French points of view on the list they submitted. During the seminar they were the first to admit that it was insufficient. With Germany in no position to participate in any way, this left the British representatives in an impossible position to defend their minimalist interpretation.

One complication was that not all specialised expertise was available, despite the diverse composition of the seminar participants. Most of them were experts, but often they specialised in certain plants or animals. And most of them had a limited geographical scope, based on their previous research and their current interests.

Assessing the quality and coverage of proposed sites remained difficult for some habitat types or species. Therefore, during the seminars the independent experts occupied a strong position because the scientific arguments were strong in every single dispute between the member states, arguing that their proposed sites were sufficient, and the NGOs arguing to the contrary. A similar opportunity to contribute to successful intervention in inadequate proposals of the member states lay in hands of the NGOs in determining which additional expertise was needed in the specific seminar. At the request of the Commission, the secretariat of the European Habitat Forum invited a representative of each of the member states' NGOs to the bio-geographical seminars. By choosing the right person with experience in certain species or certain areas, some kind of balance could be brought into the NGO contribution to the seminar as whole.

The involvement of the NGOs in the process of site selection concentrated directly on their participation in the seminars. There was little or no direct contact between NGOs and the Topic Centre before the seminars, apart from the odd detailed question by the Topic Centre when assessing the lists of proposed sites submitted to the Commission by the member states. At the seminar, the obvious wish of the NGOs was to bring about decisions that the member state should propose more or different sites. But simply stating that a member state had not proposed a sufficient number or the right types of sites was not good enough. Clear reasons were needed on why the proposal was insufficient. The opportunities for NGOs to prepare the seminars were largely dependent on whether they had been involved in a previous stage by their member states in the process of compiling their list. In some member states, NGOs were asked to comment on the lists, and to contribute to them. In others, the NGOs came up themselves with proposals for sites.

The NGOs prepared for the seminars by drawing up their own list of sites that they wanted to see designated. This applied also to the German *Naturschutzbund*. But as in the case of the initial lists of the member states, these lists were far from complete due to the lack of orderly data. Furthermore, each of the NGOs tended to work with its own shadow lists of sites for the habitats or species they were particularly interested in, and did not necessarily compile a joint list for their country. The NGOs tended to have somewhat fragmented nature conservation interests because they concentrated either on a certain region or on certain species. There was little tradition of NGO co-operation in the member states, *let alone* at international level. One exception was the organisations for the protection of birds, which had already been internationally united since the 1920s in an organisation now called Birdlife International. Only recently, Birdlife International, the World Wildlife Fund and various national nature protection organisations co-operated in the European Habitat Forum to create a common European platform for the complete scope of nature protection. In most cases, the member states did inform the NGOs of the official list of sites they wanted to propose, but only shortly before the actual meeting for the Atlantic bio-geographical region in which the lists were discussed. This left the NGOs little or no time to prepare their response, let alone to check amongst themselves whether the information on the lists was correct or not.



As soon as the seminars for each bio-geographical region had been held, the Topic Centre prepared a report and sent it to the Commission. The Commission closely followed its advice, because it was basically an agreement between the member states themselves. On the basis of this advice, the Commission asked each member state to come up with the final selection of the Sites of Community Interest, or with arguments why no extra sites could be proposed for a certain habitat type or species.

*Policy (sub-)arena around selection of sites for Natura 2000*

The bio-geographical seminars reflected the parties involved in the selection of sites for Natura 2000. The Commission co-ordinated the process as a whole, in which member state representatives needed to decide on a selection of sites on the basis of scientific ecological data. The Commission placed a strong emphasis on getting the necessary data complete. In North Rhine-Westphalia the definitive list of proposed sites of Community interest required extensive additional data collection. This makes the backlog in the submission of sites partly understandable, next to the need for co-ordination of policy implementation in the German institutional framework. The Topic Centre, the member states and NGOs mostly used the same data sets for checking the relevance of sites. Essentially, the differences that occurred in the views on which sites should be included in the list of proposed sites of Community interest reflected obvious differences in levels of ambition.

After a first assessment by the European Topic Centre for Nature Conservation the seminars also compared the proposed sites on the member states lists with their own data on the known distribution of a species or habitat type. In the light of the limited availability of data this could evolve into something of a negotiation during the bio-geographical seminars. Both the determination of the existence of habitats and populations of species on the basis of available data and the application of criteria for site selection were negotiable. During the seminars, independent scientific experts mediated differences in views.

The Commission's intentions were reflected in a series of cases for various reasons in which it summoned Spain, Germany and the Netherlands before the European Court of Justice. Legal pressure was applied mainly to enforce progress in the member states that were lagging behind in providing data on key ecological resources and on possible Natura 2000 sites. While awaiting the verdict of the Court, the responsible government agencies in all member states had difficulty knowing and understanding the legal consequences of designating sites but also of selecting proposed Sites of Community Interest. This prevented the member states from working openly when compiling the list of sites because they could not explain to the landowners, land users and other stakeholders what it meant when their land was on the list. An open debate on the list of proposed sites was held back due to uncertainty regarding the possible risks and benefits connected to the selection and designation of a site.

Policy (sub-)arena around selection of sites for Natura 2000 in North Rhine-Westphalia	
Composition	<p><i>Länder</i> and regional authorities needed to gather data on key ecological resources, in which government expert institutes played a central role. Expertise from consultancy agencies and scientific institutes was employed for additional inventories and data collection. Landowners and land users questioned the data used in the site selection process, thereby enforcing additional argumentation</p> <p>National government officials (<i>Bund &amp; Länder</i>), experts and NGO representatives participated in negotiations on nature protection priorities presided over by the Commission and experts of the Topic Centre. A variety of NGOs cautiously joined forces at national and international level to participate in these processes.</p>
Selection & identification	<p>The principle of habitat protection required knowledge compiled from experts in scientific institutes, government institutions, consultancy firms and NGOs.</p> <p>There were links between the principle of protection of the habitats of rare species and nature conservation policy approaches in North Rhine-Westphalia, but also differences.</p> <p>Existing commitment to nature conservation goals was put to the test by additional data collection for new legislation, causing a systematic review of natural assets inside and outside the existing system of protected sites, previously based on historical grounds and regional or national notions of nature protection.</p> <p>Priorities and the extent of selection of sites was negotiated on ecological grounds of representivity of known distribution of habitat types and species per bio-geographical region.</p>
Interactions & exchanges	<p>Expanding knowledge from research and studies reflected in exchange of data on habitats and species was stored in digital databases.</p> <p>A mutually and politically agreed basis of detailed scientific and comparable data on sites that contained habitats and species was the basis for further policy, political and legal action.</p> <p>Scientific notions of ecological coherence and natural processes permeated policy procedures and lawsuits.</p>

**Box 7.7** - *Properties of the policy arena around Natura 2000*

**7.5 Financial instrument complements policy arena**

The LIFE programme<sup>175</sup> aims to support the ‘development and implementation of Community environmental policy’<sup>176</sup>. This is done by financing e.g. technical assistance, demonstration schemes, or awareness campaigns. The LIFE programme is one of the so-called ‘Community Initiatives’ for the European structural funds.

These are programmes with a relatively small budget compared to the overall budgets that are directly initiated and run by the Commission as a general support for European policies. Since 1992, i.e. along with the adoption of the habitat directive, roughly half the LIFE budget has been reserved for supporting the management of sites designated under the habitat directive (often called LIFE-nature) which is a further incentive for the realisation of Natura 2000.

*Limited funding for experimental projects for Natura 2000*

The annual budget of roughly 100 million ecus for the LIFE programme was far too small to support the actual creation of Natura 2000, or to support the large-scale physical re-construction of areas, or to fund compensatory measures for farmers. Nevertheless, the Commission tried to keep projects that were approved for co-financing by the LIFE programme as closely connected as possible to the creation of Natura 2000. This was clearly very difficult in the first programme period 1992-1995 as the member states simply had not passed on their list of proposed sites for Natura 2000 to the Commission. It was therefore almost impossible for the Commission to determine whether a project supported the aims of Natura 2000. The regulation did take account of this, as the formal provision in the regulation was more specifically aimed at support for the 'maintenance or restoration, at a favourable conservation status', of priority natural habitat types and priority species on the sites as listed in the habitat directive. For the period 1995-1999, the aims to support actions in nature conservation were more specifically in favour of the implementation of the bird directive and the habitat directive and the creation of the Natura 2000 network<sup>178</sup>.

With the funding mechanism, the Commission had an instrument on hand to put pressure on the member states to speed up the selection and proposal of sites. The budget was split into two categories: sites designated under the habitat directive and sites designated under the bird directive. The member states were invited to develop projects in such sites. But the budget was, in effect, too limited to make much of an impact. Furthermore, it was allocated annually to projects in a committee with representatives of all the relevant member states. As almost all the member states were late with their submissions of sites (and therefore with only a limited number of sites actually designated), it was impossible for the Commission to really play this card.

The emphasis on the link between LIFE-Nature and Natura 2000 recurred in the project preparation manual drawn up by the Commission in 1998<sup>179</sup>, but in the end,

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<sup>175</sup> Regulation 1973/92, later replaced by 1404/96. Due to its French acronym *L'Instrument Financier pour l'Environnement*, the LIFE programme is often referred to as the LIFE 'instrument'.

<sup>176</sup> Regulation 1973/92, Art. 1

<sup>178</sup> Regulation 1404/95, Art. 2a

<sup>179</sup> see CEC (1998). *LIFE-nature. Guide pratique: la preparation d'un project de proposition*. Bruxelles: Commission Européenne, DG XI.D.2.

Properties of a policy (sub-) arena around Natura 2000: funding opportunities	
Composition	European Commission officials guided and controlled the programmes. National and regional authorities merely passed on programmes and projects; ETC-NC expertise was again employed for project assessment. Local and regional authorities, landowners/users and locally operating nature conservation organisations proposed projects individually or in co-operation. Expertise from consultancy agencies and scientific institutes was employed to further experience on implementation of the regime of protection for areas.
Selection & identification	The principle of protection of the habitats of rare species was linked to local practices of nature conservation. Focus on additional inventories that strengthened common knowledge base for Natura 2000
Interactions & exchanges	Scientific notions of ecological networks and habitat protection permeated the funding procedures for pilot studies. Within the limited possibilities of the funding procedures, the available budget was allocated to projects in areas to be included in Natura 2000

**Box 7.8 - Properties of the policy arena around Natura 2000**

the Commission was obviously dependent on the projects submitted via the member states. Yet, with the data continuing to accumulate on the locations of the Natura 2000 habitats and species, stronger possibilities emerged for a link between the funding mechanism and the creation of Natura 2000. In large projects in particular, the Commission made an effort to emphasise specific Natura 2000 aims. The European Topic Centre in Paris also assessed proposals for projects and advised the Commission before the selection was made and decided on.

For local authorities or organisations, like the Biostationen in North Rhine-Westphalia, the emphasis on designated sites actually hampered the initiatives for developing a LIFE project. As long as the site proposals and designations in North Rhine-Westphalia were not complete and the authorities working on them were reluctant to provide insight into the progress, it was impossible to ascertain whether their idea for LIFE projects was in a potential site for the bird or the habitat directive. Subsidies from LIFE-nature were indirectly used to further support the process of creating a common knowledge base around the protection of nature areas in the European Union.

The range of projects that were co-financed by LIFE-nature – normally up to 50% of the total expenditure – was wide and varied. In line with attempts to speed up the designation of sites, additional inventories were co-funded. But there were also concrete restoration projects in which physical improvements were made, which in some cases concerned sites with priority habitats and directly endangered species. There were also many projects in which experiments were conducted with possible methods for site-management. In many European member states such projects were

important for finding ways of implementing the provisions of the habitat directive – projects, therefore, with a view to the implementation of the next phase after the designation of Natura 2000 sites was completed.

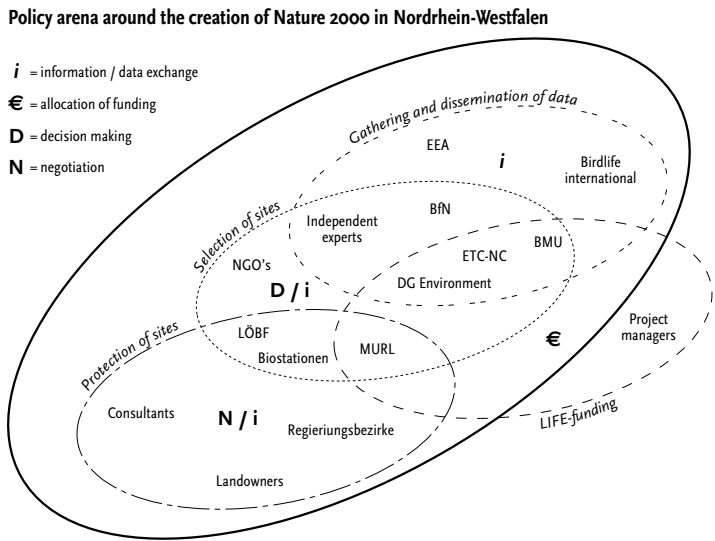
#### *Policy (sub-)arena around funding for Natura 2000*

The concept of Natura 2000 was not dependent on a funding mechanism for the realisation of its aims (see Box 7.8). The government of the Land was already making allowances for the anticipated negative financial effects of designating sites in North Rhine-Westphalia. The funding mechanism for nature management projects from the LIFE programme made a limited and largely indirect contribution to the realisation of Natura 2000. The Commission's strategic aim was to allocate most of the funding to projects linked to the implementation of the habitat directive. It favoured applications for projects in areas where the process of site-selection was progressing optimally. LIFE funding was used to expedite the availability of data by urging every possible project applicant to compile the required inventories. Funding was offered furthermore for pilot studies on habitat protection, which was almost exclusively allocated to sites that were in the process of being designated; these, and experiments with management plans that were included in the directive, in the annual subsidy round.

### **7.6 Policy arena around Natura 2000**

The concept of Natura 2000, as laid down in the habitat directive, envisages the creation of an ecologically coherent network of protected nature areas within the European Union territory. The habitat directive, which was officially adopted in 1992, encompasses the bird directive, which sets similar aims for the protection of birds and which had already existed since 1979, but was now bound to the same time schedule for realising these aims. This meant that by 1996 all sites in which certain species and habitats needed protection had to be selected by the Commission and successively designated by the member states as protected nature areas. The site-selection process for Natura 2000 was analysed with a particular focus on the German *Land* North Rhine-Westphalia. This analysis showed that, in this process, a policy arena was established that consisted of three, or four policy sub-arenas (see Figure 7.2). These four policy sub-arenas are all dominated by experts who either worked as government officials in institutions and agencies for nature protection, or in scientific institutes, or are active in NGOs. This community of ecologists and biologists has shared notions and beliefs that are reflected in the international agreements for nature conservation and in the European directives concerning the principle of maintaining global biological diversity and the protection of habitats of endangered species in particular.

The Natura 2000 project concerned the European Union efforts in the international objective of maintaining global biological diversity. In direct relation to the international aim for maintaining global biological diversity, a policy sub-arena



**Figure 7.2 - Policy arena around Natura 2000**

could be identified around the information-exchange on the progress of biodiversity policies and nature protection. This policy sub-arena concentrated on the European tier in which it was partly formalised in newly established European institutions, such as the European Environmental Agency and the network of expert institutes it had created for gathering information on the state of the environment and nature in Europe. Together with a scientific working party and the habitat committee, the relevant scientific and government institutes in Europe that were mobilised this way form the formal basis for regular exchange of data and information between Commission officials, scientific experts and nature protection NGOs that is needed for the creation of Natura 2000. There are strong overlaps with the policy sub-arena that is created in the formal procedures for the selection of sites. In this policy arena, the bio-geographical seminars were the formal basis for this data exchange and decision-making, in which many of the same actors gathered in a process that is much more focused on assessing and discussing the available data on key ecological resources that form the basis for selection. The data for this process were prepared by the local and regional institutes and government agencies in North Rhine-Westphalia, which, in turn, were involved in direct negotiations on the consequences of new designations of protected nature areas at the local tier with landowners and land users. The fourth policy sub-arena around funding projects for the implementation of the European environmental policy so far was only partly geared to the process of creating Natura 2000. The creation of Natura 2000 was only partly a driver for allocating available funding to the nature protection projects that supported the European environmental policy, the LIFE-Nature instrument.

Natura 2000 is the main effort in European policies for maintaining biological

diversity as agreed in a United Nations treaty. The aim to maintain biodiversity and the notion of habitat protection that is central to creating a network of protected nature areas are a strong impetus for defining new priorities for nature conservation. The policy arena around Natura 2000 can be seen as a specific concentration of existing nature conservation efforts that were reframed rather systematically within European Union policies. In the bio-geographical seminars the definitions of what should have been seen as part of the Natura 2000 network of nature areas were elaborated further. The basis for these definitions consist mostly of ecological criteria to do with the distribution of species, their known territory. The need to designate and protect habitats and species is related to the representative share of the known population of each species and habitat to ensure their survival. These definitions ultimately determined the selection of sites that needed to be designated as protected nature areas within the Natura 2000 network. In later stages of implementation of the directives, these are also the criteria that will be needed to determine whether a development or project posed a significant threat to certain habitats or species<sup>180</sup>.

The concept for creating the *Biotopverbund* in North Rhine-Westphalia had a different emphasis, both in terms of the key ecological resources that were prioritised for protection, and the notion of how to create an ecological network of nature areas. The emphasis in North Rhine-Westphalia was on the possibilities of regenerating the cultural-historical landscape that was typical of the region. This approach took social processes into account in terms of the possibilities of changing current land-use practices for the purposes of nature protection. This difference in approach was the reason why the process of expert-based selection of sites in North Rhine-Westphalia became directly intermingled with the protection of sites.

In the procedures set out in the directive, the selection of sites after assessment and deliberation at European level was clearly separated from the formal designation of these sites as protected nature areas in a later stage. Yet, during the selection of sites in North Rhine-Westphalia it soon became clear that the procedures in the habitat directive lacked participation by the stakeholders and the public, whereas the formal consequences of designating sites as protected nature areas directly concerned landowners and land users. The expert-based selection of new nature areas for Natura 2000 sites was directly paralleled by negotiations in North Rhine-Westphalia in which financial compensation was arranged for the unknown formal consequences for existing land-use given this new designation of protected nature areas.

#### *Building a common knowledge base establishes policy arena*

The new European nature protection policy that aims to designate protected nature areas for the creation of the Natura 2000 network relies heavily on a process of expert-selection of sites. These efforts in European policy unlocked the pool of knowledge formed by community of biologists and ecologists who were involved at all government tiers, including international treaties. This process essentially

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<sup>180</sup> According to the procedures set out in art. 6.2-4 of the habitat directive (Directive 92/43/EEC).

involves the creation of a common knowledge-base by gathering, assessing and disseminating data on the distribution of key ecological resources on the basis of jointly determined definitions and criteria. The process of building up this common knowledge base trickled through the whole policy process around Natura 2000 and contributed to the establishment of a policy arena around Natura 2000.

Nature conservation was a well-established policy field in the policy system and was carried out at national, regional and local level by federal and *Länder* government institutions with the involvement of private landowners. The lack of adequate or even available data for the encompassing aims of maintaining biodiversity and creating Natura 2000 led to a substantial effort for gathering and assessing data according to new definitions of what needed to be preserved. These efforts included basic inventories in certain regions and for specific species or habitats. The selection and designation of sites for Natura 2000 led to a substantial increase in the total territory of protected nature areas and created a flow of contested aims for nature protection. This process of data- and information-exchange on key ecological resources thus stimulated participation by (alarmed) individual stakeholders, companies and social organisations and the local tier of government. The process of building a common knowledge base contributed to a broadly shared awareness of the need to protect key ecological resources, both formally with the new European directive as well as ecologically by offering new definitions of nature in need of protection and the information and data on where these key ecological resources were found. This awareness was partly the result of the resistance to the increase of nature protection efforts.

In the process of gathering and disseminating knowledge and data on key ecological resources for the realisation of Natura 2000, the policy arena that was established covers the whole range, from the international and European tier down to the local tier. International aims for maintaining biodiversity were further defined in terms of the network of nature areas that preserved the European key ecological resources. On the European tier, or better the bio-geographical tier, these general principles of habitat protection and ecological network were further defined in the light of systematic assessment of data on the distribution of key ecological resources. And finally, with new designations of nature areas these newly defined nature protection aims needed to be incorporated formally in all local decision-making on future spatial developments. The common knowledge base that was built up in this process provides the data and criteria that now formally need to be used in decision-making when assessing the potential threat of developments or projects to the key ecological resources that need protection. The detailed data on a selection of key ecological resources explicitly represent the international and European aims for nature conservation in local decision-making.



## Chapter 8

### European aims support local views on 'good agricultural practice'

#### 8.1 Introduction

This chapter analyses the application of European agri-environmental measures in French regional nature parks. As part of the common agricultural policy, agri-environmental measures helped to improve the quality of rural areas by offering compensation to farmers who switched to environmentally-friendly farming practices. The European agri-environmental measures offered a framework, which was converted into national measures and finally into local programmes in which the environmental requirements were defined according to the local situation. The French use of these agri-environmental measures is analysed with a particular interest in the so-called 'local operations' which are almost entirely locally defined. The case examined here relates to the application of these local operations in regional nature parks. The regional nature parks exemplify an institutionalised form of local co-operation in France between otherwise fragmented local and regional governments, representatives from social organisations and residents. The basis of this form of local co-operation in French rural areas with special nature and landscape qualities is a comprehensive document that sets out a general perspective for the area with a particular focus on landscape, environmental quality and nature, as well as a range of concrete measures and actions. The regional nature park will be analysed here as a locally vested policy arena based on a spatial perspective. This analysis traces how these European agri-environmental measures forged links with this locally vested policy arena and how they contributed to its dynamics and turned it into it a policy arena around European aims for spatial development.

The first section (8.2) analyses the agri-environmental measures and their aims in the context of the common agricultural policy as well as the translation of the framework into French measures. As is the case when French regional nature parks are established, the implementation of these measures require a local definition of the quality of rural areas in terms of typical landscape and environmental conditions. The next section (8.3) analyses the set-up of regional nature parks with a view to determining how it can form the locally vested policy arena that is needed for the implementation of the agri-environmental measures. Finally, in section 8.4 the application of agri-environmental measures in the *parc naturel régional des Ballon des Vosges* is analysed in the light of their contribution to the dynamics of this regional nature park as a policy arena around the improvement of the quality of the rural area.

## 8.2 Fragmented policies call for integrated rural approach

Over the past four decades, the common agricultural policy has had a deep influence on the quality of rural areas throughout Europe. The integration of European states has been more closely connected to agricultural policies than to any other policy field. Traditionally, the common agricultural policy has two main components: market and price policies and structural policies. As the structural policies are often considered most relevant to the quality of rural areas – a spatial development issue closely connected to the process of European integration – they aim directly at changing or preserving agricultural practice and land-use. These agricultural structural policies are primarily concerned with the renewal of agricultural production, which is promoted through investment support for farmers and funded by the guidance section of the European Agriculture Guarantee and Guidance Fund (EAGGF). But through its market- and price-support measures for agricultural produce the common agricultural policy also has a substantial influence on farming practice, and thus on land-use throughout the European territory. An extensive and expensive system of intervention in agricultural markets is maintained in order to keep the prices of agricultural produce at a high level, thereby securing incomes in the agricultural sector. This is funded by the guarantee section of the EAGGF, which has always far outstripped the spending of the guidance section.

### *Bringing in the rural approach; the member states' challenge*

The European spatial development issue of preserving and enhancing the quality of rural areas is addressed in various sections of European and national policies. On both levels there seems to be an almost characteristic fragmentation of measures to tackle a comprehensive issue. The Commission, i.e. the General Directorate VI for Agriculture, has attempted many times to formulate a comprehensive approach to rural areas. Each time a major budgetary change was prepared, the Commission anticipated the discussion between the member states by emphasising the need for a more coherent approach towards rural areas in agricultural and regional development policies. But the studies and documents outlining a strategy for Europe's rural areas had had no success so far.

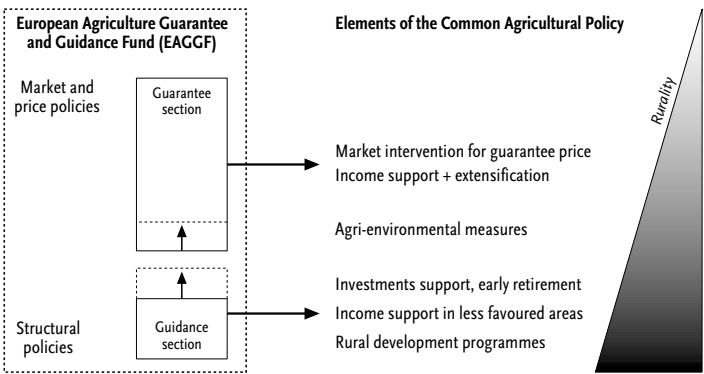
In 1988 the Commission proposed a typology of rural areas with a view to a new set-up of the European structural funds for regional development, social policy and agriculture (CEC, 1988). As it was difficult to develop a strategy for the European territory as a whole, a typology of problems and strategies for rural areas was developed which would serve as a basis for "real development strategies for rural areas" (CEC, 1988, p. 59). This typology offered three 'basic strategies' to deal with three 'standard problems', roughly characterised by geographical distribution. The first type covered areas with intensifying agriculture and under pressure of urban development. The second covered areas with an attractive landscape and small-scale agriculture with opportunities for (and in need of) diversification. The third covered areas inclined towards de-population, the relinquishment of agricultural land and loss of environmental quality due to erosion. A similar view comprising integrated rural

areas, intermediate areas and remote rural areas had recently been elaborated with a view to reallocating the budget for Agenda 2000 (CEC, 1997a). The aim to derive a comprehensive view of Europe's rural areas was further explained in the context of the European regional policy. Europe 2000+, the European Spatial Development Perspective, and the Study Programme on European Spatial Planning made serious attempts to comprehend the characteristics of rural areas (CEC, 1994; CEC, 1999a). But so far, these initiatives had failed to grasp the territorial diversity of rural areas in a way that suited the needs of European policy-making. Instead of the intended merger of the three separate structural funds and the introduction of a strategy-based approach to rural areas, a less drastic reform was carried through in 1988. Rural development policy became part of the regional policy, with a framework regulation which defined the eligibility of areas and the range of actions to be supported by the structural funds. The deployment of the structural funds for a rural approach ultimately stemmed from the restructuring of the common agricultural policy.

Initially, the primary aim of the common agricultural policy was to promote agricultural production and guarantee a sufficient level of income for farmers whilst offering agricultural produce at affordable prices. The system of market intervention to guarantee a minimum price for products contributed to a massive increase and intensification of agricultural production, but it eventually led to surpluses. As a result, the budget for the common agricultural policy gradually got out of hand (Tracy, 1989 pp. 299-325; Zee, 1997, pp. 138-141). The reform of the common agricultural policy that was needed to regain control over the budget triggered a shift from price-support to income-support in combination with an obligatory quota system to limit production. Besides the existing income support to farmers in mountainous or other 'less favoured' areas, new forms of direct income support were introduced in combination with set-aside measures or with extensification that stimulates environmentally-friendly farming. As these income-support measures entailed the incorporation of various types of criteria for the quality of the environment or landscape in the common agricultural policy, an excellent opportunity presented itself for strengthening the link between changes in agricultural practice, land-use, and the quality of rural areas.

The changes in the common agricultural policy brought the market and price section closer to the structural development section and led to the evolution of a more 'rural' approach (see Figure 8.1). However, the term 'rural' eludes definition as Hoggart *et al* showed in their attempts to develop a comprehensive overview of Europe's rural areas<sup>181</sup> (Hoggart, 1995). Their initial attempt to identify and conceptualise a pattern in the diversity of social, economic and physical change in non-urban areas was deemed a failure: "on a European scale there is little chance of reaching consensus on what is meant by 'rural'" (Hoggart *et al*, 1995, p. 21).

181 The Commission has struggled with defining 'rural'. Initially it attempted to translate the French term '*monde rural*' with 'rural society'. In a document prepared by GD VI (Agriculture) for the Agenda 2000 negotiation for the Community budget for 2000-2006, the term 'rural Europe' was chosen: 'a concept which embraces both territory and people' (CEC, 1997c).



**Figure 8.1** - Introduction of agri-environmental measures

What became clear was that throughout Europe local, national and Union policies recognised the close and direct links between social processes, economic developments and environmental factors in order to get to grips with the structural changes in rural areas. They stressed that the “environment is becoming the central defining feature of rural areas themselves and of distinctive economic and social trends that are currently emerging in the European countryside. Although it might seem paradoxical to speak of the ‘greening’ of rural Europe, it is nonetheless true that the importance of rurality in economic, political and social processes is increasingly a consequence of a growing prioritisation of its environmental qualities” (Hoggart, 1995, p. 228). The developments deployed with the MacSharry reforms extended the diverse means of rural change envisaged in the common agricultural policy, such as the introduction of agri-environmental measures. The development of a coherent strategy for the common agricultural policy covering the economic dynamics of agricultural markets on the one hand and local environmental quality or the socio-economic situation in deprived rural regions on the other is a challenge.

*From price support to promoting ‘good agricultural practice’*

The MacSharry reforms of the common agricultural policy accentuated agri-environmental measures as the main measure for ensuring that agricultural holdings adapted to the new market balance that needed to be established. A few years before, the MacSharry reforms incentives for environmentally-friendly farming methods were introduced in European agricultural structural policies at the request of the British through article 19 of a regulation for the improvement of agricultural structures<sup>182</sup> (see Box 8.1). Essentially, these agri-environmental measures related to an exemption from the aims of the agricultural structural policy to realise ongoing improvement and to adapt agricultural practice to any new market situation.

<sup>182</sup> Regulation 797/85 for the improvement of agricultural structures

According to Tracy, in the United Kingdom where “an intensive debate on the agriculture-environment issue had made an impact on both governmental and farming circles” the new opportunities to grant aid to farmers in environmentally sensitive areas were quickly applied (Tracy, 1989, p. 330). The co-called ‘Article 19 measures’ were a success in the UK, leading to the rapid designation of environmentally sensitive areas. But apart from Germany, the other European member states were less interested at first in developing agri-environmental schemes. In France, after several years, the designation of environmentally sensitive areas had not reached half the surface covered in the UK (Hoggart, 1995, p. 242).

Giving way to comments on the set-aside measures of the 1992 MacSharry reforms, the closer link with environmental quality in rural areas in the ‘Article 19 measures’ helped to increase enthusiasm at a later stage. In their well-illustrated view on the developments in rural areas in Europe, Hoggart *et al* showed that in the UK the setting aside of land fitted in perfectly with the ethics of caring for rural areas. However, also in the UK the measures met with criticism from many sides, claiming, for example, that “wealthy land owners get hand-outs for doing nothing” (Hoggart, *et al* 1995, p. 239). The lack of coherence with other policies was stressed by, amongst others, the Ramblers Association which criticised grants for set-aside when land was not open to the public: “The issue in Britain has been seen essentially as one of justifying paying farmers and landowners” (Hoggart, 1995, p. 239). In France, the measures for setting aside land were seen as a curse on the prevailing ethics of good farming practice: “...in France, where all such payments are generally welcomed, the issue is a more deep-rooted one relating to the ethic of productivism. Set-aside land is widely described as a Community wound on the once healthy corpus agricole of rural France” (Hoggart, 1995, p. 239). Whereas set-aside primarily aimed at reducing agricultural production, the introduction of agri-environmental measures ushered in a more fundamental change in the common agricultural policy in which cross-compliance of income support with certain qualitative aims became an accepted instrument.

The re-enforcement of agri-environmental measures in the MacSharry reforms contributed to its success as a major new element in the common agricultural policy. It led to a higher draw on funding for what was still a voluntary change towards environmentally-friendly farming. After the 1985 regulations were replaced by new

#### **Article 19 national support to agriculture in ecologically sensitive areas**

Allows member states to develop a support programme to secure agricultural incomes:

- Designation of environmentally sensitive areas
- Define where maintaining agricultural practice is needed for protecting the environment and landscape
- Criteria to prevent agricultural practice from intensification and maintain agricultural practice adapted to local ecological needs

#### **Box 8.1 - Introduction of agri-environmental measures**

ones covering similar provisions<sup>183</sup>, measures with a similar set-up were still referred to as 'Article 19 measures', especially in France (Chauvel, 1994; Cemagref, 1999; Vosges, 1991). This change towards a rural approach in the common agricultural policy was continued for the 2000-2006 period in a new regulation that again encompassed the agri-environmental measures<sup>184</sup>.

The agri-environmental measures are applied on a voluntary basis, which is in principle similar to the other measures for limiting agricultural production: "...by transferring funding into the Guarantee section of the EAGGF, the Council decided that payments would in principle be made on a demand-led basis, with no budgetary limit other than the annual guideline" (CEC, 1997a, p. 49). The measures soon proved more successful than had been expected<sup>185</sup>. The member states were required to develop national programmes to support adapted farming practice in designated environmentally sensitive areas. As the aims are described in general terms, there is variety in the set-up and scope of the programmes. It was in combination with the 1992 reform of the common agricultural policy that these new measures were actually applied in national programmes and schemes in all the member states.

In an analysis of the various national programmes as presented to the member states' representatives in the STAR committee<sup>186</sup> and the Commission, the differences in the implementation of the agri-environmental measures reflected roughly two groups of member states. One group had developed measures mainly for expanding production and maintaining extensive production methods (such as Germany and France). The other had developed measures mainly for the protection of natural areas (such as the Netherlands and the United Kingdom) (Perreau, 1994, p. 20).

With the wider application of the income support system, a larger part of the common agricultural policy became associated with notions of how agricultural practice could enhance the quality of rural areas. Previously, levels of price support were based on the estimated effects on agricultural income per holding. Structural policy aimed at improving agricultural structures in terms of the (economic) size of holdings, with a view to generating an income comparable to that in other sectors on

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183 Regulation 1780/87 makes funding available for Article 19 measures, which were later incorporated (and extended) in regulation 2050/88, regulation 2328/91, title VII, Art. 21-24, and regulation 2078/92.

184 Regulation 1257/99, Chapter V, Art. 13-21

185 The intention was to finance national programmes according to requirements and demand from farmers. The EU budget needed amounts of up to 3235 million ECU for the 1993-1997 period for the EU-12 and another 1148 million ECU for the 1995-1997 period in the new member states, where in 1991 initially 2256 million ECU was foreseen CEC (1997). *Rural developments. Situation and outlook*. Brussels: CEC, DG VI..

186 Official European committee on agricultural structures and rural development (*Structures Agricoles et développement Rural*) in which officials of ministries for agriculture represent the member states

the basis of 'good agricultural practice'. Aimed at income parity, the notion of 'good agricultural practice' had always been at the heart of the common agricultural policy as a basis for counting the income effect of price support measures for a normal holding. Also, the system of income support with set-aside required an estimate of acreage payments in national schemes on the basis of national and regional averages and certain farming practice.

The mechanism of income support for farmers that is linked to a notion of agricultural practice that suits local circumstances means that criteria needed to be defined according to the local landscape features, natural values, and environmental conditions. The Commission said that as far as the agri-environmental measures were concerned "the environmental impact must be significant and must go beyond what could be seen as good agricultural practice" (CEC, 1997c, p. 48). This notion was further developed and turned into an icon in the Biodiversity action plan for agriculture (CEC, 2000). The agri-environmental measures were thus broadening the notion of 'good agricultural practice' by adding that sometimes specific local environmental circumstances should be taken into account when changing agricultural practice.

#### *Appreciating local deliberations over rurality in fragmented government*

Many European countries found it difficult to develop proper ways of dealing with their rural areas in times of changing agricultural policies. Even though, as Hoggart *et al* suggested for France and the UK in particular, "the countryside has become a powerful cultural symbol of nationhood" (Hoggart *et al*, 1995, p. 91), the general idea both in society and in policies was to preserve rural areas for 'urban relief' – as it was called in the United Kingdom – or as a resource that needed to be exploited. Simplified, traditional, and romantic concepts of rural areas such as *pays* or *Heimat* which were closely nurtured to counterbalance a supposed urban complexity were the sole opposition to longstanding and dominant approaches geared to the development and exploitation of the countryside. Healey pointed out that both views emphasised the control of 'man' over natural processes: one in a modernist tradition of technological progress which paralleled an urban planning tradition, the other with a view to a "moral responsibility to safeguard its [the natural world's, *wb*] integrity" (Healey, 1997, p. 171). According to Healey, the interrelation of "material, moral and emotive-aesthetic conceptions of the natural world"... "foreshadow many contemporary environmental concerns" (Healey, 1997, p. 171) Indeed, these three conceptions represented fundamental and time-honoured perceptions of rural areas and were interfering in many policy processes: 'material' for economic development and agriculture-led policies, 'moral' in ecological science-based environment-oriented policies and 'emotive-aesthetic' in consumer-oriented, landscape preservation and leisure-based policies.

Apparently it was difficult in the existing approaches of the common agricultural policy as well as in national policies to address the close-knit issues in rural areas, on the fringe of preservation of nature and environmental quality and the push for the ongoing modernisation of agricultural practice in economic processes. Traditionally,

the farmers in particular were strongly represented in the policy processes. And although, according to Goverde, “the institutional and political basis of agricultural power in the European Union have eroded somewhat in recent years, it seems to remain strong enough to withstand too far-reaching reforms of the Common Agricultural Policy, even in GATT/WTO perspective” (Goverde, 2000, pp. 260-262), in terms of organised representation, the sector was losing some of its previous corporatist strongholds. Though still vitally important for the quality of many rural areas, agriculture was no longer the benchmark for all initiatives. New actors had appeared on the scene, not least nature protection organisations. Large and small nature protection organisations formed communities of interest which were organised locally and nationally, like the *Naturschutzbund* in Germany. In addition, large landowning organisations such as National Heritage in the UK and *Natuurmonumenten* in the Netherlands had started to play an important role in rural areas.

In many European rural areas, there was a feeling that the issue of preserving or improving the quality of rural areas could not be addressed adequately with separate approaches, but needed a more comprehensive or integrated approach. Co-ordination mechanisms between decentralised sections of central government, local authorities and various social organisations were an important feature – something the Countryside Commissions in England sought to provide. In the Netherlands, area-specific approaches to complex problems in rural areas were introduced as new ways of policy-making in the early 1990s, partly with a view to overcoming the struggle over competencies between various central government ministries involved at a regional level (Tatenhove, 1993). In these so-called ROM areas<sup>187</sup>, where there were persistent environmental problems, in view of agricultural interests and pressures of urban sprawl, a programme for action needed to be prepared and supported by a contract between social organisations and government institutions so that the available, existing policy instruments could be applied. In general, for the management of rural areas there was not so much a search for new instruments, laws or institutions to replace the existing ones but merely a variety of attempts to put existing instruments to new use. This was not unique to rural areas. Similar attempts also arose in relation to other spatial development issues, such as the *Regionalkonferenzen* in the German Ruhr region to stimulate the structural development of an old industrial region with dense government structures.

The French regional nature parks are an example of an area-specific approach to close-knit issues of rural development and landscape and nature conservation. The institutionalisation of regional nature parks in the French policy system reflects the value that central government attached to the dynamics of specific local relations in these parks, also in view of its own rural policy aims being locally implemented there (Régionaux, 1998). Each step in this process of institutionalisation followed experimental policy approaches in one or more of the parks, after which the good

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187 R.O.M. stands for *Ruimtelijke Ordening en Milieu*, which equates with spatial planning and environment



example was supported with further regulatory provisions. In some cases these were optional, such as the composition of the *syndicat mixte*. In others, new obligatory rules were drawn up pertaining to, amongst others, the scope of the park strategy laid down in the *plan du parc*. The general trend towards regional nature parks highlighted a renewed emphasis on the quality and coherence of the landscape within the territory of a park, as well as its capacity to deal with conservation aims whilst promoting economic and social development and tourism at the same time.

The regional nature parks stand for a relatively open approach towards these specific rural areas, because of the need to re-establish the parks for each ten-year period. This makes it possible to review the formal park set-up, the relations between the local authorities involved and the formal relations with the regional and central government authorities. The ten-year re-establishment also creates a certain flexibility in the issues at stake in an area, as it allows experiences to be interpreted anew and new policies to be put into practice. The French regional nature park can therefore be seen as an example of the general search throughout Europe for a comprehensive approach towards rural areas. It is geared to the specific problems and strengths of an area in a format of co-operation that is, in principle, open to all actors willing to engage in defining the local issues and to a mixture of government players, as well as social organisations and private parties.

#### *Agri-environmental measures in France: conveying the claim for rurality*

The member states find themselves in a characteristic position between Europe and the regions in their attempts to combine various incentives in European policies into a comprehensive rural approach. Moreover, in a policy such as the agri-environmental measures, which seeks to strengthen the relationship between environmental quality and agricultural practice, a deal is required with each and every farmer to achieve the European aims. In order to arrange this, it is necessary to agree on the requirements for more environmentally-friendly farming practice in local circumstances. Such locally defined requirements are the basis for determining the compensation necessary to guarantee the farmer an income that he otherwise would have earned in unrestricted practice. These annual payments are based on an allowance per hectare or for each 'livestock unit'<sup>188</sup>.

In France this massive operation is managed by the *Centre National pour l'Amenagement des Structures des Exploitations Agricoles (CNASEA)*, a special department of the Ministry of Agriculture that is responsible for the administration of subsidy payments to farmers. The role of the CNASEA is purely administrative: it takes care of the disbursements. The content of the contracts is subject either to the general provisions of one of the national measures based on the European regulation, or to a locally defined programme.

With a set of seven measures, the *Direction des Espaces Rural et de la Forêt (DERF)* and the *Direction des Exploitations de la Politique Sociale et de l'Emploi (DEPSE)* of the French Ministry of Agriculture drew up the national scheme for applying the new

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<sup>188</sup> 'Livestock unit' is an average measure for the size of a herd, including young and adult cattle

Various European agri-environmental measures in France	# contracts & surface (total)	Budget in FF (and in Euro)
Nationally defined measures		
<i>Prime a l'herbe</i>	92,226 on	1,416,000,000
Maintaining and promoting extensive agricultural practice	5,479,048 ha	(€ 216 m.)
<i>Protection des races menacées</i>	2,590 contracts	9,396,249
Protection of endangered endemic species	1,037	(€ 1.4 m.)
<i>Diminuation du chargement du cheptel bovin et ovin</i>	42,696,039	(€ 6.5 m.)
Decrease of cattle in areas at risk of abandonment		
<i>Conversion en agriculture biologique</i>	1,189	16,712,771
Conversion of biological agricultural practice	on 28,381 ha	(€ 2.5 m.)
<i>Reconversion des terres arables</i>	1,623	22,918,347
Conversion of arable land for prevention of erosion and water pollution	on 8,800 ha	(€ 3.5 m.)
<i>Retrait long terme</i>	79 on 576 ha	1,389,639
Long term set-aside for nature protection prevent erosion and water pollution		(€ 0.2 m.)
<i>Réduction d'intrants</i>	2,369 on 52,110 ha	74,295,780
Reduction of nitrate pollution and pesticide use		(€ 11 m.)
Locally defined measures		
<i>Opérations Locales</i>	20,223 on	156,714,752
Locally defined programmes for adapting agricultural practice	423,114 ha	(€ 24 m.)

**Box 8.2 -** Agri-environmental measures, numbers of contracts, surface covered, and budgetary expenses in France in 1997 (CNASEA, 1997)

European policy approach. With the new nationally defined scheme, France developed a more active approach towards applying the European agri-environmental measures from 1992 onwards. For the period 1993-1997 seven nationally applicable measures were drawn up (see Box 8.2). These measures offered compensation for loss of income arising from e.g. the conversion to organic practices, the reduction in pesticides and fertilisers, the replanting of fallow soil and the maintenance or restoration of extensive agricultural practice. The *prime a l'herbe* measure was widely applied both in geographical and in budgetary terms (see Box 8.2, Column 3).

Although it was principally up to the member states to decide how to implement the European agri-environmental measures, both the measures and contracts that

were finally drawn up with the farmers came under the scrutiny of the other member states and the Commission in the STAR committee. This committee on *Structures Agricoles et développement Rurale* consists of member states' representatives (ministry of agriculture officials) under the presidency of the Commission (*fonctionnaires* of the level of director of DG VI). In the STAR committee, in which all the decisions of the European Agricultural Council were prepared in detail, the Commission increasingly criticised the French agri-environmental measures because the specific environmental effects were too difficult to assess and inadequately suited to the local situations.

The effects of the general measures were also questioned in France, particularly in the French agricultural ministry, and the difficulty of organising all these individual contracts was acknowledged. The *Opérations Locales* were the preferred form with respect to the possibility of defining and assessing the environmental effects of agri-environmental measures. At the end of 1999, this approach was changed again by including agri-environmental measures for the 2000-2006 period in the new French *Contrats Territoriaux d'Exploitations*.

#### *Local programmes for rural approach suit regional nature parks*

The *Opérations Locales* were the follow-up to the initial experiences with the 61 programmes under the successor to 'Article 19' of the 1985 regulation for the improvement of agricultural structures in 1989-93<sup>189</sup>. The criteria for compensatory allowances for agri-environmental measures under these local programmes were defined locally. In each *Opération Locale* an area was specified on a map, indicating the parcels that were eligible and the requirements for agricultural practice on these parcels. Also, the amounts were set for the required compensation and the total budget was estimated for the local programme.

When preparing the local programmes, the regional services of the agricultural ministry, the *DRAF (Direction Régionale pour l'Agriculture et la Forêt)*, collected all the initiatives for such programmes that had been put together at the local tier – which often included active participation by the *departments* – in order to allocate the financial resources. DRAF officials participated in drawing up the local programmes as the national budget for the agri-environmental measures was distributed over so-called regional 'envelopes', whereby the agricultural ministry offered an indication for a lump-sum to each region. Depending on who was further co-financing the local programmes, the regional council, the *départements* or other organisations such as regional nature parks participated in the preparations. Evaluation and monitoring studies commissioned by the Ministry of Agriculture on behalf of the Commission basically sought to determine how the expenditure was distributed over the regions and the various objectives<sup>190</sup>. It was generally thought that the procedures had

189 Regulation 2050/88, partly replacing Regulation 797/85

190 Evaluation co-ordinated by the *Institut Supérieur d'Agriculture Rhône-Alpes (ISARA)* on the basis of *circulaire DEPSE/SDEA/C97 no 7004* in which Art. 16 of Directive EC 746/96 was put into practice

### **Contents of an Opération Locale**

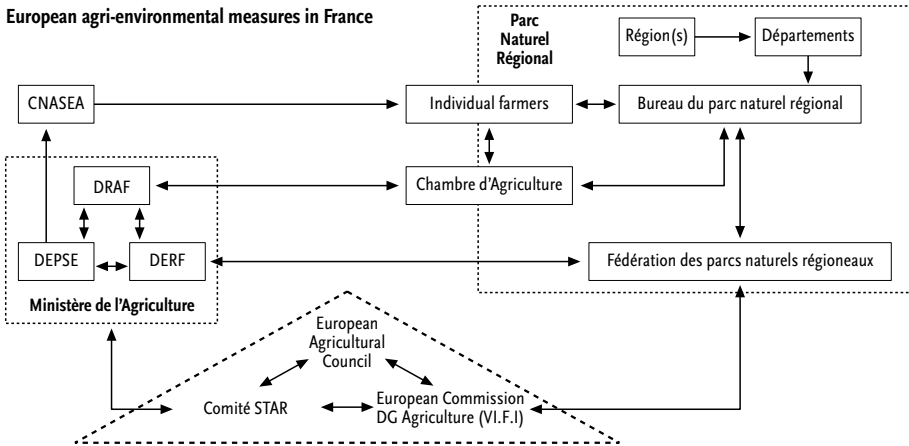
- Perimeter of the areas and the communes that are included
- Description of the area: landscape diversity, quality of environment (soil and water), opportunities and threats
- Programme and measures applied in previous period
- Current land-use and agricultural practice and motivation for sustained or changed practice
- Map with eligible parcels
- Cahier des charges with criteria for contracts and allowances

### **Box 8.3 - Opérations locales contain precise criteria**

helped to put together Opérations Locales correctly and quickly. In the period between 1990 and 1999 there was a change towards greater participation – also financially – on the part of regional and local governments.

The locally prepared programme proposals were assessed at central government level by *DERF*, the rural development section of the national agricultural ministry. Normally, this assessment was the responsibility of the socio-economic section, the *DEPSE*, as it involved income-related payments to farmers, but the *DEPSE* lacked the expertise to assess the coherence between agricultural practice and environmental aspects. After the national assessment, the proposed local programmes were sent off to the Commission. Additional inquiries were made via the central government ministry of agriculture to the regional offices of the *DRAF*, before they were sent to the *STAR* committee for approval. This procedure needed to be followed for all *Opérations Locales* and resulted in some 300 dossiers between 1990 and 1999 for France as a whole. Once the whole procedure had been followed, the individual farmers could finally sign the actual contracts. When the programmes were returned from Brussels and the Ministry of Agriculture had agreed to the final form, many farmers were ready to sign the contracts because all along they had been participating locally in the programme preparation. Although the procedure was time-consuming, the advantage of locally developed programmes was that the farmers who would eventually participate could start changing their farming practice in anticipation of the contract and the compensatory allowances.

Central government limited its role to sending round a circular explaining the application of the European agri-environmental measures in France. Though the budget for agri-environmental measures had been decentralised, central government could still to some extent influence the aims and content of the local programmes as the proposals for local programmes passed the Ministry of Agriculture twice. This occurred only marginally, e.g. by looking at which *Opérations Locales* were located in areas where sites were earmarked for Natura 2000, the European network of nature protection areas. The ministry investigated whether the local programmes for agri-environmental measures could also be applied for the preservation and management of these sites, but acknowledged the different aims of the two European policies. Whereas Natura 2000 sites were being selected on scientific



**Figure 8.2** - Implementation of agri-environmental measures in France, in particular in parcs naturels régionaux

grounds and consequently the preservation of habitats and species is undertaken specifically with a view to maintaining biodiversity, the agri-environmental measures are geared more generally towards landscape preservation, in particular to prevent land deprivation and to sustain an open and accessible landscape.

The main concern, both at central government and at European level, in assessing the proposed programmes (was) to verify whether the loss of income arising from the measures for the farmers was specified correctly and whether the programmes had sufficient positive environmental effects. Though the programmes were purpose-based, environmental indicators were not clearly developed in all types (ISARA, 1998; Cemagref, 1999). The application of European agri-environmental measures in France was presented mostly as experimental. This is illustrated by the fact that the rural expertise of *DERF* was called in to provide proper support for the programme administration, which was in principle undertaken by *DEPSE* and *CNASEA*. These two sections of the French Ministry of Agriculture were oriented more towards the financial position and arrangements for farmers. But also at local level, the agri-environmental measures were experimental in developing and suggesting new methods of land-use and agricultural practice. This implies that the application of the European agri-environmental measures was a learning process both for national measures and local programmes.

#### *Participants need to trust continuation of the measures*

The application of agri-environmental measures in France shows how the central governments of the European member states are charged with integrating a variety of aims for preserving or improving the quality of rural areas. An agricultural practice that respects the quality of rural areas calls for a definition of these practices themselves in relation to the desired quality of the environment, nature values and

landscape. Such quality can only be defined regionally, or even locally, as the agricultural practice might vary substantially from one holding to another. This is even more so, because the participation of farmers in the agri-environmental measures is on a voluntary basis only which means that the measures need to appeal directly to their needs and desires.

Another reason for a close co-operation with farmers is that in order to realise any real effects on the physical quality of rural areas, the changed agricultural practice needs to be continued for a long period of time. For a sustained change of landscape some ten or twenty years of changed agricultural practice is needed. For most farmers, five years is already a long time as they normally decided each year on their crops and livestock. However, if a farmer agrees to environmentally-friendly practice for five years this means that the chance to develop the farm along more intensive lines is cut off for the longer term as well. Changing farming practice for a few years also constitutes a choice for the long-term development strategy of a farm. The lifespan of each version of the European agri-environmental measures is around 5 years: 1985-1989; 1989-1993; 1993-1999; 2000-2006. At the end of a five-year contract farming practices could easily revert to less environmentally-friendly working methods if compensatory allowances were stopped or if the requirements changed. Hence, for a farmer to participate in the agri-environmental measures, he needs to have a basic trust in continued support for the experience that is built on new working methods. The following section analyses the regional nature parks in France in order to find how they offer a trusted context for the continuation and further use of experience with new farming practices and the ability to deal with changing funding requirements.

### **8.3 Parc naturel régional as locally vested policy arena**

Regional nature parks in France are promoted both as parks with pretty scenery for a stroll or a picnic, and as wild and remote nature reserves. The *parc naturels régionaux* are a brand with their own registered logo which serves as a marketing tool for attracting visitors as it guarantees a high-quality environment. Regional nature parks are only established in areas where highly valued, characteristic landscape and natural and ecological richness need to be balanced with the development of the local economy, tourism, and agriculture. Since 1964, the Ministry of Agriculture has been developing a form of organisation for a new type of nature park, which was different from the existing national parks. The initiative represented principle interest to balance the bustle of nearby urban agglomerations with an area to unwind. It also represented an interest in galvanising problematic agricultural sectors, and in promoting new ways of development based on the resources of nature and cultural history. Lastly, the creation of regional nature parks represented an interest in preserving flora, fauna and landscape. By a presidential decree of 1967, the new institution was created for areas with: “un intérêt particulier par la qualité de son patrimoine naturel et culturel, pour la détente, le repos des hommes

Armorique	Haut-Jura	Morvan-Nord-Pas de Calais
Avesnois	Haut-Langedoc	Normandie-Maine Perche
Ballon des Vosges	Haute-Vallée de Chervreuse	Périgord-Limosin
Brenne	Landes de Gascoigne	Pilat
Brière	Livradois-Forez	Queyras
Brotonne	Loire-Anjou-Touraine	Scarpe-Escaut
Camargue	Lorraine	Vercors
Causses du Quency	Luberon	Verdon
Chartreuse	Marais du Contentin et du	Vexin français
Corse	Bassin	Volcans d'Auvergne
Forêt d'Orient	Martinique	Vosges du Nord
Gatinais français	Massif des Bauges	
Grand Causses	Montagne de Reims	

**Box 8.4** - *The regional nature parks in France*

et le tourisme, qu'il importe de protéger et d'organiser" (Régionaux, 1998). Since then, 39 regional nature parks have been established, covering approximately 9% of the French territory and inhabited by some 2.7 million people.

The variety in size and appearance of regional nature parks reflects the diversity of the French countryside, landscape and nature values. Whereas most of the national parks (6 out of 7) are remote, depopulated, mountainous areas, the regional nature parks are heterogeneous with Haute-Vallée de Chevreuse as the smallest covering 24,000 hectares, and with Volcans d'Auvergne and Corse as the largest, spanning a territory of almost 400,000 hectares. Some regional nature parks, such as Quéyras in Hautes-Alpes, are virtually depopulated and located in one *département* in one of the French regions. Others, such as Ballon des Vosges, are relatively densely populated and situated in as many as three administrative regions and four *départements*. Most of the regional nature parks partially cover mountainous areas, but some, such as the Marais du Contentin et du Bessin, were created in coastal zones and typical wetlands. For the areas where a regional nature park was established, the essence was that it occupied a logical position for bringing together local ideas and initiatives and various relevant policies, including European ones. The structure of the regional nature parks is specifically geared to such a facilitating role.

*Formal structure of the parc naturel régional: three constituting elements*

Throughout the thirty years of their existence, the regional nature parks have undergone several institutional changes, especially after the battles over the financial obligations of central government regarding the realisation of each of the parks' objectives. Yet on several occasions, ministers reaffirmed central government support for the parks in their investment plans and adhered to specific aims of the parks in specific programmes. With the creation of the regions in the mid-eighties

<b>Central government</b>	l'État	Ministère de l'Environnement	Ministère de l'Agriculture	Ministère de l'Équipement du Logement et des Transports
<b>Regional government</b> (#)	Régions (22, of which 4 overseas)	Direction Régionale de la Recherche, de l'Industrie et de l'Environnement (DRIRE)	Direction Régional de l'Agriculture et du Forêt (DRAF)	Direction Régional de l'Équipement (DRE)
<b>Local government</b> (#)	Départements (100, of which 4 overseas)		Direction Départementale de l'Agriculture et du Forêt (DDAF)	Direction Départementale de l'Équipement (DDE)
<b>Local government</b> (#)	Communes (36.000)			

**Box 8.5 - Government tiers, ministries and decentralised services in France**

during the decentralisation of French government, the regional nature parks received their proper status. The establishment and management of the parks have been co-ordinated since then by the regions. The multi-year contracts between central government and each region, the *Contrat de plan État-Région*, have to cover the general expenses of the parks so that the resources are secured. Furthermore, their formal institutional set-up was strengthened by various legislative changes concerning the definition of tasks, responsibilities, organisational formats and the establishment of the regional nature parks (l'Environnement, 1993; l'Environnement, 1994; l'Environnement, 1995; l'Environnement, 1995).

The firm institutional position which the regional nature parks have acquired does not guarantee that a park will last forever once it has been created. Since 1988, the parks have been established for only 10 years, and their territorial boundaries have to be re-established and their objectives re-defined each new ten-year period. The French regional nature parks thus consist of three distinct elements: co-operation between the local governments in the form of a joint local authority, a set of agreements set out in a charter on the aims of this co-operation, and a comprehensive strategy for future development and a plan of action for the park.

The regional nature parks were formally institutionalised as a co-operation between local authorities. These local joint authorities are a common form of public administration in France, adding to the development of multi-layered local government: “une administration communale à plusieurs niveaux” (Dreyfus, 1997,



p. 299). The basic form of French local government is the *commune*, the traditional unit of local government which reflects an ancient rural France and has never really changed. The 36,000 often very small municipalities have many different ways of joining forces to carry out their tasks and responsibilities, often with social organisations or neighbouring municipalities (Dreyfus, 1997, p. 298). For local interests, the *syndicat d'initiative* is a well-known example that provides various services, e.g. tourist information centres and municipal camping sites.

Despite efforts to create transparency there are still many forms of joint local authorities for carrying out the functional administrative tasks of the *communes*. There are several general forms of co-operation between municipalities: the *communauté des communes* for the very small municipalities, the *communauté de ville* and *-urbaine*, and the district for urban agglomerations. Then there is the *syndicat intercommunal à vocation unique* or *-multiple* as a single- or multi-purpose form of co-operation, but still with a specific set of clearly defined common tasks (Dreyfus, 1997, p. 300; CEC, 2000, p. 24). The regional nature parks are more akin to this form of co-operation. However, the tasks conferred upon the regional nature parks in environmental protection, land-use planning, tourism and economic and social development are not only within the competence of the municipalities, but also within that of the second local tier (or intermediate tier) of French government: the *départements* and the regions (see Box 8.5).

The *code rural* indicates that an adequate choice of organisational form needs to be made regarding the formal status of a regional nature park. Most regional nature parks are a *syndicat mixte*<sup>91</sup> in which the municipalities, *départements* and region(s) – in other words, the *collectivités territoriales* – participate: "Ce syndicat mixte regroupe les collectivités territoriales concernées – région(s), département(s), commune(s) – et leurs groupements ayant approuvé la charte" (l'Environnement, 1995, Art. 2.2.3). The *syndicat mixte* is the most heterogeneous form of joint authority, and is not typical only for the regional nature parks. There are some 1100 of these joint local authorities in France for various purposes (CEC, 2000, p. 25).

#### *Self-determination in ways of co-operation*

The parks' boundaries, and thus the participating communes, are variable, as the parks are the result of preparatory work by the relevant ministries, the region, and finally, of negotiations between the local authorities. The formation of regional nature parks in the region of Nord-Pas de Calais is typical, especially the creation of the Parc Naturel Régional des Caps et Marais d'Opale. After splitting the first large regional nature park in the Nord-Pas de Calais region into three parks, the creation of a third park proved difficult (see insert). The reasons for including a somewhat secluded area lying right in-between the capes and the moors in that third regional nature park are obvious: not only the landscape quality and natural values of the area but also the coherence with the two separate parts of the first park. Although there was something of a regional identity in the Pas de Calais area, there was little experience of co-operation between local governments. The communes in the area between the capes and the moors were reluctant, and so in 1986 a regional nature

### **Parcs naturels régionaux in the Nord-Pas de Calais region**

In the area of Saint-Amand-Raismes, just east of Lille in what is now the Nord-Pas de Calais region, the first regional nature park was established in 1968. This park was enlarged in 1978 with the nearby but not adjoining area of Avesnois in one regional nature park of Nord-Pas de Calais. The coastal areas of the capes, Caps, and the moors of Marais d'Opale were associated with this park, albeit with a slightly different status: Espace Naturel Régional (ENR). For each of the four separate sections of the park there was a separate joint local authority within the parks' organisation (being also a joint local authority). From 1986, these two areas in the region formed one park that was formally built up of two joint local authorities. The Syndicat Mixte d'Aménagement et de Développement de l'Audomarois (SMADA) consisting of 40 communes and the Syndicat Mixte d'Aménagement et de Développement du Boulonnais (SMADB) consisting of 76 communes were established within in the ENR. From 1991 the two Syndicats Mixtes were continued in one regional nature park under the name of Caps et Marais d'Opale. Only after a lengthy debate between the local authorities, in particular with the 20 communes in the area in between the two existing sections for which a joint local authority already existed, was a unified regional nature park covering 137 communes created. This then was the third regional nature park of the Nord-Pas de Calais region. After splitting up the larger park, all had one joint local authority of which the regional nature park of Scarpe-Escaut is the slightly enlarged version of the very first of the regional nature parks.

park was created that consisted of two separate parts (the capes and the moors) and two separate joint local authorities. The 20 *communes* surrounded by this park were only willing to be involved in its renewal, once experience with the open and participative workings of the two *syndicats mixtes* could be fully appreciated in the period 1986-1991. For the renewal of such a regional nature park, an extensive process of research and discussion is followed between all the authorities and organisations involved and co-ordinated by a steering group presided over by the *Président* of the existing park. In the case of the Caps et Marais d'Opale, this job fell to a committee of the elected representatives of the municipalities (the *élus*), the regional council and advisory, decentralised services of the Ministry of Environment: “un comité d'Animation locale regroupement des élus du SMADB, du SMADA et des nouveaux cantons; le Conseil Régional; le Conseil Général; l'État (DIREN)” (d'Opale, 1999, p. 15). The final organisational set-up of the park of the Caps et Marais d'Opale was only reached when, after another extensive round of consultations with all the authorities (including all 137 *communes*) and partner-organisations, the two joint local authorities were merged into one. A regional nature park is finally established after a joint request by the local authorities to create it is sent to the region. Besides their organisational form of a joint local authority, there is another reason why the regional nature parks set an outspoken example of multi-tiered local government. The regional nature parks are also based on an instrument of the French rural policy system, namely, one of the general

instruments provided for in the code rural: the *charte intercommunale d'aménagement et de développement*<sup>192</sup>. This charter was not exclusively designed for the creation of parks, but can also be used for other purposes. The authorities and partner organisations participating in a regional nature park draw up an agreement in the form of such a charter in which they lay down the purposes of their *syndicat mixte*. The legal provisions leave ample discretionary powers to the contracting parties when drawing up such a charter in order to create an adequate basis for a co-operation with a specific purpose in spatial development, nature protection, economic development or infrastructural planning. In the case of the regional nature parks, some additional provisions were made in the course of the process of furthering the formal position of the parks.

*Regional nature parks provide a platform for various initiatives and issues*

The tasks of the regional nature parks are many and varied. Besides environmental protection, land-use planning, tourism and economic and social development, as mentioned above, they also encompass public information and education, research and experiments with the management of vulnerable sites. In order to prepare and bring about all these different activities, a *Maison du Parc* as the parks' headquarters hosts the park bureau and often serves as the main visitor centre. The bureau employed a staff of experts in administration, law, biology, architecture and cultural heritage, and communication. Furthermore it is a place where the board meetings are held as well as meetings with working parties, steering committees and consultation rounds for the parks' actions. Usually there is also a documentation centre and room for public education activities. Most parks also have several other visitor centres for exhibitions and information.

Over the last decade, the range of activities of the regional nature parks has gradually developed (Régionaux, 1998). Some parks have drawn up traffic rules for the communes to ensure quiet areas. Others have developed nature holiday trips exclusively under the regional nature parks logo. And in co-operation with the World Wildlife Fund, special holiday apartments for tourists have been created from selected experienced hosts, the *Gites Panda*, in which guests can learn about the natural values in the surrounding area during their stay. During the 1990s five parks drafted proposals for the European LEADER programme for local rural development and three parks started experimenting with European agri-environmental measures. As a result, one third of the first series of experimental sites in France for these European agri-environmental measures were located in the regional nature parks.

The French regional nature parks were thus able to engage in a wide variety of activities that linked up with opportunities from various sources: central government, local initiative, European Union policies, and international organisations for nature protection. For adequate management of a park with so many authorities and instruments and such extensive resources an integrated

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192 Loi relative à la répartition des compétences entre les communes, les départements, les régions et l'État (L 244, 1983) (CEC, 1999b)

### Charte du parc naturel régional du Luberon

The charter for the park was actually a set of documents. First, there was a 100-page report containing the aims of the park, data and maps and the actions. The main aim of nature protection and preservation of landscape was changed slightly to include the protection of biodiversity. The emphasis on agriculture remained strong with a view to preservation of landscape, prevention of natural disasters (forest fires) and for social and economic reasons, but also for cultural reasons. Agriculture was part of the cultural heritage. Economic development, notably tourism, would be geared to the environmental situation. There was a clear view against mass tourism. Lastly there was a strong emphasis on the role of the park for pooling knowledge, data and information and conducting research: C'est un des vocations du Parc d'y contribuer en faisant de ce territoire un lieu d'explication, d'interrogation, de rencontres et de débats sur le droit des populations à un environnement de qualité (Luberon, 1996).

Second, there were the renewed statutes of the park, the membership of the *syndicat mixte*, of the *comité syndical*, the executive committee. Members were the *Région* Provence-Alpes-Côte d'Azur, the two *départements* Alpes de Haute-Provence and the Vaucluse and the *communes*. Besides these, there was membership (without right to vote) for other *syndicats mixte d'aménagement du territoire*, the *chambre consultative* a social-economic advisory council for the Luberon, and similar social organisations.

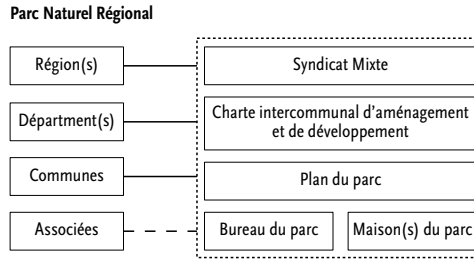
Third, there was the document of the *Préfecture* (the central government representative in the region) confirming the classification as regional nature park. A few elements of the report were particularly stressed by the *Préfet*: protection of the environment, the role of the park in implementation of the European habitat directive and in establishing contracts for adapted agricultural practice (the European agro-environmental measures).

Lastly, the charter contained a framework convention with the national forest authority *l'Office National des Forêts*, stating that the park may develop new practice of forest management on state property

framework is required. It is for this purpose that the *syndicat mixte* brings together the main actors and the charter secures the commitment of financial resources and institutional stability.

### *Plan of the park lays down basic strategy and ideas*

As a third constituting element of the regional nature park the plan of the park seeks to guarantee territorial integration as far as possible (see Figure 8.3). The plan, *plan du parc*, is drawn up along with the charter and the *syndicat mixte* when the regional nature park is being established. The preparation phase of the plan provides basic data on the quality of the landscape, on natural values, and on the economic and social situation that is needed to support the proposal for establishing a regional nature park. This plan lays down the provisions for the preservation of natural values and sets out a vision for future development at the same time: "Le plan du parc est un document cartographique synthétique, de caractère prospectif, qui reflète



**Figure 8.3 - Organisation of regional parks**

la stratégie et les objectifs de la charte à échéance de dix ans, à partir des données issues des inventaires patrimoniaux et de l'analyse socio-économique" (l'Environnement, 1995, Art. 2.2.2). The charter of the regional nature parks, which defines the organisation as well as the plan of the park, is substantial, informative and well illustrated with documents for most of the parks.

Obviously, the diverse alliances and charters resulted in a variety of plans. Some were a straight package of actions with an indication of the park boundaries on the map, whilst others contained a more elaborate basis of data and research, presenting several analytical maps and a plan with detailed actions and priorities. An outstanding example of the latter is the *Charte et documents complémentaires* of the *Parc naturels régional des Caps et Marais d'Opale*. This report contains several maps: administrative boundaries, land-use, geographical basis, a synthesis of inventories of landscape types, social-economic development, agricultural structure and so on. It was the outcome of efforts from the previous period in which geographical information systems had been developed and used by the park together with the specialised service of the regional authority, various institutes and the *préfecture*, notably additional data provided by *DIREN* (the decentralised service of the Ministry of the Environment). Together with the priorities laid down in the main body of the report, a synthesis was drawn up in the plan du parc. The plan of the park contains an obligatory zoning scheme with detailed indications of priorities for the protection of landscape, the environment and nature. This scheme also indicates further knowledge of the role of water systems and water quality.

The plan of the park is particularly relevant when it comes to the competencies in nature conservation and spatial planning of the various authorities participating in the regional nature park. The plan is binding on the authorities that subscribe to the charter. The local *plan d'occupations des sols (POS)* needs to correspond to the aims and priorities in the charter and in the zoning scheme in the plan du parc. Therefore, the zoning of environmentally sensitive areas, of landscape structures, and of specific sites of biological or ecological interest needs to be indicated: "Le zonage est établi sur l'ensemble du territoire et identifie, en particulier, les à protéger en priorité" (l'Environnement, 1995, Art. 2.2.2). The minimum prescribed scale is 1:100,000, which reflects the usually indicative character of the plan of the park, but more detailed maps are normally drawn for most of the priorities and elements of

the zoning; hence, the indication in the plans that more knowledge is needed on certain, specified relationships.

*General policy provisions and the regional nature park*

The regional nature parks (and the national parks) as such are an important instrument of French environmental policy and nature protection (CEC, 2000, p. 115). The establishment of a park basically seeks to provide for the intensification of initiatives within the areas it covers: the sites of special biological interest and the zoning of environmentally sensitive areas as indicated in the *plan du parc*. These indications need to secure the link between the policies of the regional nature parks and those of the local authorities regarding their normal competencies in environmental protection and planning.

In national nature parks, the control of designated *espaces naturels sensibles* and the competency to determine whether more areas should be designated are transferred to the park board, which is appointed by central government (CEC, 2000, p. 88). In the regional nature parks, these competencies can be transferred to the park or (as in most cases) remain with the *départements*, depending on the commitments specified in the charter. The indications of environmentally sensitive areas are also normally covered in the process of (re)-establishment of the park, and the *départements* are part of the *collectivités territoriales* subscribing the parks' charter.

Although the *départements*, when participating in a regional nature park, can be expected to work together towards the agreed nature protection aims, this is not necessarily the case. Each of the participating *départements* as such will not necessarily feature a strong nature protection policy. With the designation of *espaces naturels sensibles* in particular, a tax needs to be introduced first by the *département*, the *Taxe Départementale de l'Espaces Naturels Sensibles (TDENS)*<sup>193</sup>. This tax is a levy on all building permits, amounting to up to 2% of the construction costs. The *département* uses this tax to build up a fund for the purchase of grounds for protection by applying pre-emption rights and for contacts with landowners who are granted compensatory allowances for adapted management (CEC, 2000, pp. 88-89; Nivet, 1995, pp. 25-28).

As the regional nature parks are coordinated by the regions, the *conseil régional* can also emphasise further specific priorities for nature conservation. These can be pursued by budgetary allocation to park projects which the region holds important. For the municipalities concerned, the priorities that were determined when a park was being created need to be made part of local policy. The municipalities need to apply the designations in the *plan du parc* – such as those for nature protection – in their local plan, the *Plan d'Occupation des Sols*. In the absence of a local plan, as is often the case outside residential or other built-up areas, the *département* can apply designations and pre-emption rights directly. If the *département* does not wish to do so, it can delegate its authority to the commune. Consequently, all sorts of arrangements for nature conservation are possible within the framework of regional

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193 Code de l'Urbanisme, Art. 142-2

**Département Haut-Rhin and the Parc Naturel Régional des Ballons des Vosges**

In the Alsace region, the territory of the département of Haut-Rhin stretches from the Rhine and its plains in the east to the comb of the Vosges mountain range in the west.

Approximately one third of its territory is part of the parc naturel régional des Ballons des Vosges. The other side of the mountain range is also part of the park but belongs to the Lorraine region.

In the early 1990s, it started an inventory of sites with natural values. With a view to installing a TDENS in Haut-Rhin the necessary data on the location of the natural values in need of special attention was gathered. For the implementation of the European habitat directive, the Ministry of the Environments' regional service DIREN helped the département Haut-Rhin significantly with this inventory. An outline of a structure of nature areas was drawn, representing the landscape and natural diversity of the département in which areas along the streams on the flanks of the mountains and the moist areas in the plains were important elements.

As political support for the TDENS was lacking, the mechanism was not eventually installed in Haut-Rhin. Hence, no sites were classified as environmentally sensitive. Within the parks' territory, the protected site of moors on top of the mountain range, the Hautes Chaumes, stopped right at the border of Haut-Rhin. Yet, the département of Haut-Rhin persevered in its attempts to improve nature protection by applying agro-environmental measures. Within the budget of the département other resources were available for the contribution of means required for site-mangement contracts (Nivet, 1995).

nature parks, but always with the consent of the *préfet* of the *département* or the region to assure coherence with central government policy. Ultimately, French nature protection is strongly concentrated on the local tier, notably the *département*. Local public approval for nature protection initiatives in the *départements* is crucial, as the *conseil général* of the *département* needs to support the installation of the TDENS as an important prerequisite for the designation and management of nature protection sites in regional nature parks (see insert).

The designation of protected sites is not a primary aim of French rural policy. Most initiatives for preserving the (physical) quality of rural areas seek links with agriculture and forestry. One of these initiatives aimed to establish a *Réseau ESPACE* (*Entretien des Sites à Préserver par des Animaux Conduits en Extensif*), a range of areas in which management is applied through extensive pasture in order to restore and maintain a semi-open landscape. The reason was that in many rural areas agriculture was intensified in the direct vicinity of villages but was diminishing overall, after which the semi-natural landscape with its large biological diversity disappeared and was replaced by woods. The programme was supported by various French and European schemes, and aimed predominantly to experiment with this type of management and experience-sharing. The programme *Réseau ESPACE* was supported by the *Fédération des Parcs Naturels Régional*. This federation is the representation of the regional nature parks in Paris that has acquired an increasingly important role as a general support to the parks. Whenever possible, the federation supports initiatives, like *Réseau ESPACE*,

and ideas developed in the parks and communicates experiences to the other parks. The federation also has the task of screening policy developments that might be valuable to the parks. It is a lobby platform for the parks in central government, as well as the eye and ear of the parks in Paris and Brussels, for setting up initiatives in the early developmental stages of rural and nature protection policy and in tourism and cultural heritage. The role of the regions is also crucial to programmes like *Réseau ESPACE*. The main policy-making domains of the regions are infrastructural planning, housing and education. They have no specific instruments for rural policy, nature protection, or agricultural policy. But the *Conseil Régional* of the region can strongly express its preferences on rural issues in the long-term obligations determined in the *Contrat de Plan État-Région*.

*Locally vested policy arena around improving quality of rural areas*

The French regional nature parks serve local aims, but also offer an opportunity to pursue aims that are determined elsewhere at national or European level. As it proves difficult to deliberate at super-local level over suitable rural approaches to the development of 'good agricultural practice', the common agricultural policy needs to rely on spatial deliberations that are laid down in a local spatial perspective or plan. French regional nature parks are a conjunction of plan and policy arena. The establishment (or renewal) of a park covers planning and the set-up of the organisation. The plan for a park identifies, amongst other things, zones most sensitive to changes in agricultural practice. The regional nature park is also an organised co-operation between all the relevant actors: municipalities and regional authorities, agricultural organisations and ministries. In combination with the knowledge provided on the local situation it contributes to the practical preparation of contracts for the agri-environmental measures. From the European perspective, the *Parcs Naturels Régionaux* in France offer a pre-set form of readily mobilised actors, organisations and governments that is needed for the application of the European agri-environmental measures. How the French *Parcs Naturels Régionaux* can be regarded as a locally vested policy arena around preserving and enhancing the quality of rural areas will be analysed below.

#### **8.4 Joint push for preservation of Ballons des Vosges**

The area that is covered by the regional nature park of the Ballons de Vosges is the Vosges mountain range west of the Rhine valley, a mountain ridge on the north-south axis and the transversal valleys in between that stretch towards the Rhine. The most environmentally sensitive areas in the park, as defined in the plan of the park, are the landscape and natural values on the higher ground of the mountain range. The European agri-environmental measures have been identified as part of the instruments that might suit the priorities and general aims laid down in the plan of the regional park, which is the joint effort to preserve the natural values and landscape of the Ballons des Vosges.

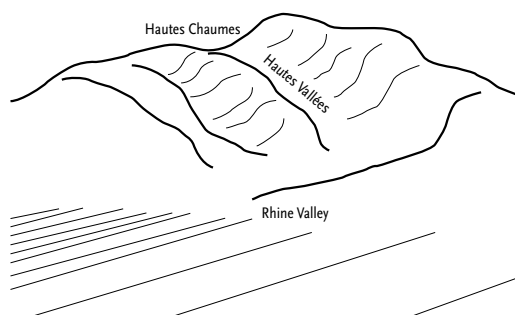




**Map 4 - Parc Naturel Régional des Ballons de Vosges**

#### *Nature conservation and landscape restoration*

The characteristic landscape and natural values of the Vosges are found on the higher grounds of the valleys and the mountain ridge, notably the heathland on the *hautes chaumes* (see Figure 8.4). The landscape of the *hautes chaumes* is the result of the traditional occupation of the area, in which cattle were brought from farms in the valleys to the higher grounds during the summer and a few farms were occupied, the so-called *fermes auberges*. Degradation due to the disappearance of the traditional summer grazing of cattle and the intensification of land-use directly around farms were considered the two main problems of the *hautes chaumes*. In the valleys, the thrust of the regional nature park was to maintain an open landscape. Disappearing agricultural activity, particularly on the higher grounds, had led to deforestation over the past decades and thus to a closed landscape. The background to the perception that this type of landscape should be preserved was a local desire and the wish to improve the potential for tourism and leisure and to restore a



**Figure 8.4** - The Vosges mountain range

natural richness of the past and the contemporary aim for biodiversity. Also, the policy line for forest management was changing, in particular after the ecologically poor monoculture of pine led to such devastating consequences when France was hit by a storm in the late 1990s.

The regional nature park not only covers the whole of the Vosges mountains, it also covers the territory of the 203 *communes* of the four départements Vosges, Haut-Rhin, Haut-Saone and Territoire de Belfort, which are in turn part of three administrative regions of Lorraine, Alsace and Franche-Comté. The Parc Naturel Régional des Ballons des Vosges was first established in 1989 and re-established for the 1998-2008 period after the *Code Rural* had ordered the re-establishment of each regional nature park every ten years. On both these occasions, therefore, the constitution of the park and the drawing up the *charte* followed after a lengthy three-year process of consultations and negotiations with representatives of all these local and regional governments as well as the partner social organisations and associated organisations and ‘portal cities’.

In the first period, the park had three principal fields of action: protection of the environment and nature in the most vulnerable sites in the Hautes Vosges (over 900 m. altitude), economic development, and seizing opportunities for landscape and cultural heritage. The contribution of the park to the third field of action was valued best in the process of evaluation and preparation for the re-establishment of the regional nature park as the form of co-operation between all the partners involved. A range of actions and projects were undertaken in almost every commune, although the specific contribution of the regional nature park as such was not always clearly recognised. Roughly one third of the parks’ expenditure was directed at this field, including the development of landscape plans and the promotion of agri-environmental measures.

Many would have preferred the park to have been more involved in economic development. However, it was acknowledged that economic development as a field of action for a regional nature park needs to be something other than just promoting any business development or enterprise. Instead, a clear connection with utilizing the economic potential of landscape, nature and other local resources was promoted. Yet, also direct intervention by the park in the protection of nature and the environment

#### **Article 19 and Opération Locale in Luberon**

In the regional nature park of the Luberon the agri-environmental measures were developed with a strong view to nature protection and maintaining biodiversity. The programme aimed at maintaining the agricultural use of the ridges for preserving the landscape and for fire prevention. Additionally, there were four bird species in need of protection: two eagle species (Aigle de Bonelli and Circaë de Jean le Blanc) an owl species (Hibou Grand-Duc) and a vulture species (Vatour Percnotère). These bird species were also protected under the European Bird Directive.

The regional nature park of the Luberon, was located in the southern region of Provence-Alpes-Côte d'Azur just north of Marseille on the border of the River Durance. The park was last re-established for the period of 1996-2006 as a *Syndicat Mixte de Collectivités Territoriales* covering 165,000 ha. of the mountain ranges of Luberon and Vaucluse and the valley in between.

The regional nature park of the Luberon, initially created in 1977, was one of the older regional nature parks and one of the first in France to utilise the European agri-environmental measures. The perimeter for the local programme for agri-environmental measures covered three sections of the park territory: the ridge of the Petit Luberon, the area southwest of the Petit Luberon and the ridge of the Grand Luberon. This included the most remarkable elements, notably a set of narrow gorges offering a unique micro climate for rare vegetation and species.

The programme was supported by farmers, landowners, the local communities, agricultural training organisations, the *Office National des Forêts*, *DRAF*, the regional nature park and nature protection organisations. For the preparation of the local programmes these organisations and additional, external scientific research provided the necessary data and expertise (Luberon, 1993a; Luberon, 1993b, Luberon 1995).

was not always appreciated by all the partners. Instead, the park was valued most for its role as a discussion platform and as a promoter of experiments, especially when it added to insight on the basis of research and monitoring. The renewed charter for the park emphasised this as a point of reference: "sa fontion de recherche de consensus entre développement et protection des Hautes Vosges, avec le souhait d'une intervention plus forte et plus directe pour leur remise en état, son rôle de conseil et de guide auprès des communes et autres partenaires ... en partenariat étroit avec les responsables et les acteurs économiques locaux" (Vosges, 1997, p. 8).

#### *Starting with agri-environmental measures in the Ballon des Vosges*

The initial aim of submitting a programme proposal for the European agri-environmental measures in the early 1990s was experimental in two respects. First, it would generate experience of how these measures worked in the region. Second, it sought ways to change the management of certain sites in the Vosges in order to improve environmental conditions. The purpose was to change existing agricultural practice and then use it to maintain or restore the characteristic landscape.

From 1992-1993, the first application of European agri-environmental measures was sought in the Vosges by starting an *Opération Groupée d'Aménagement Foncier Agriculture-Environnement (OGAF)*<sup>194</sup>. The development of the actual programme was based on an initial proposal by the local department of the agricultural ministry, the *direction départementale de l'agriculture et de la forêt (DDAF)*, of the *département Vosges* (Lorraine region), which roughly indicated the perimeter for landscape preservation on the higher reaches of the mountain range, the *hautes vallées*, and the characteristic heathland on the top, the *hautes chaumes* (Vosges, 1990). This proposal was fleshed out to form a complete dossier of measures, potential forms of site management, the required compensatory allowances and a set of maps indicating the types of areas where different forms of alternative agricultural practice needed to be applied (Vosges, 1991). The first official programme, the *OGAF*, concerned in particular the *hautes chaumes* on top of the mountain range and the area of six communes in the *hautes vallées* in the *département Vosges* (Lorraine region). In addition, an *opération locale*, the local programme for agri-environmental measures according to the later European regulation<sup>195</sup>, was drawn up separately in the rest of the area for the period 1995-1999. This concerned the *hautes vallées*, the higher grounds of the valleys located on the slopes of the Vosges mountains at an altitude of above 900 metres.

These local programmes were better suited to the needs of these areas, as they emphasised the role of the local *communes*. On the *hautes chaumes*, the main issue was the protection of the environment and the natural values of the heathland by maintaining or restoring some agricultural activity. In the *hautes vallées* the main issue was the role of agriculture in sustaining an open landscape for reasons of natural value and tourism. This implied greater involvement by the *communes* and the various other forms of local government. A new French policy instrument, the *contrat territorial d'exploitations*, has provided for further continuation after 1999 of the application of the European agri-environmental measures on the *hautes chaumes* and in the *hautes vallées* of the Haut-Rhin part of the regional nature park, as set out in the local programme.

The contribution of the regional nature park to the realisation of the various programmes and projects for the application of the European agri-environmental measures stemmed mainly from the development of the zoning within the perimeter of the eligible area. A zoning scheme was worked out for all agricultural land in these sections of the park's territory. This covers parcels marked on detailed maps on a scale of 1:5000. Essentially, the zoning for the agri-environmental

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194 OGAF is based on Art. 19 of the first Regulation EEC 797/85 making possible agri-environmental measures.

195 Regulation 2078/92 EEC formed the framework for the European contribution to the measures. Many of the local documents, such as decisions of the *préfets*, mistakenly refer to 'Art. 19' of the previous 1985 regulation. Apparently this went unnoticed or was unimportant in the official internal French communication, and the documents were not sent to Brussels directly but the information was compiled in facts sheets by central government before being transmitted further.

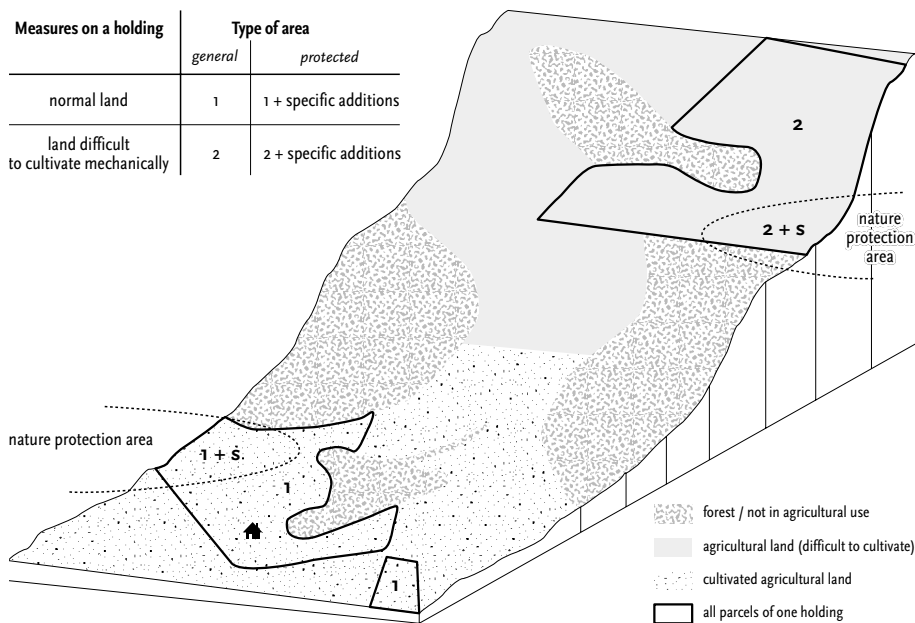
measures was a further elaboration of the general indication of sites of environmental interest with specific biological and landscape values on the plan of the park. The principles of spatial development need to be incorporated in the *plan d'occupation des sols (POS)*, the local plans of the *communes* that are part of the park. In the Vosges this counts particularly for leisure facilities such as skiing resorts. It is possible to deny a development permit which meets the requirements of a *POS* but is not in conformity with the plan of the park. The review of the *POS*, if a commune is not willing to co-operate in such cases, is undertaken by a working party appointed by the park. The zonation in the plan did not suffice for the implementation of agri-environmental measures, a more detailed approach was required. Also, suitability for agricultural practice had to be determined, such as whether the sites lent themselves to mechanical cultivation.

A general categorisation was used for the sites: semi-moist and dry pasture land; moist land that is generally unsuitable for agriculture; and wasteland. Further details characterising each parcel and the corresponding measures and do's and don'ts of agricultural practice were listed for each category. Sites of environmental interest were not elaborated in detail. On the basis of the general categorisation of parcels and their place on the maps, the particular requirements for agricultural practice in these sites had to be arranged in the individual contracts. Basically, each type of terrain corresponded with a measure in the local programme, the *cahier des charges*. The first experiences gained with *OGAF* and the local programmes paved the way for more detailed arrangements for agri-environmental measures in the following period. Additional insight was gained into the natural values of the hautes chaumes on top of the mountain range in particular after the selection of Natura 2000 sites in further research. More stringent and detailed requirements were developed for agricultural practice in these areas and for site management.

#### *Site-specific compensation for adapted agricultural practice*

Prior to the local programme for the European agri-environmental measures, the regional nature parks and local authorities were scarcely involved in dealing with these specific agricultural issues. The first initiatives to draw up such local programmes were aimed at gaining experience of working with the measures and at finding ways of dealing with the issue of environmental quality and agricultural practice. The preparations for an *opération locale*, the local programmes, started in 1993 with research and an outlined framework for a local elaboration of measures. For proper zoning, landscape and land-use were split into categories that could be applied to each parcel. Data from research institutes and the local services of the agricultural ministry at the *préfecture* of the *départements* were used to identify the structure of land-use for each of the communes within the perimeter of the envisaged local programme.

The first local programme in the area of the Ballon des Vosges was approved in 1995, and the first contracts were signed shortly afterwards. Given the level of sophistication of the measures, this can be seen as a success of the thorough local preparation as the contracts needed to be signed on a voluntary basis. As can be



**Figure 8.5** - Measures applied to three types of parcels of one holding for (DDAF Haut-Rhin, 2000)

expected this did not present a problem for those parcels that are difficult to cultivate mechanically anyway, as farmers are generally keen to participate for that part of their farmland. From the point of view of European aims, the application of agri-environmental measures would be less satisfactory if a specific regime for agricultural practice were only put in place on these parcels that are often on higher grounds and not on the rest of the land of a holding. The contracts indicate the requirements for agricultural practice for all land of one agricultural holding as a whole with specifications for each type of terrain covered: land that cannot be cultivated, land that is difficult to cultivate, and land of specific ecological interest (see Figure 8.5). The total sum of compensatory allowances was determined on the basis of the surface of land that was brought under a regime of adapted cultivation for crops or extensive use as pasture and land for which the agricultural practice was adapted specifically to ecological requirements.

The local programme for the agri-environmental measures was drawn up for only a few years, whereas the intended environmental effect will be achieved only when the adapted agricultural practice is continued for a much longer period. In many cases a long-term continuation of the required agricultural practice for the envisaged environmental effect will probably only be possible with sustained compensation for additional costs. Even though such continuation was by no means guaranteed with a local programme covering only a five- year period at first, this did not deter farmers from participating in the programme.

Besides a possible drawback due to the temporary nature of the agri-environmental measures, the general preference of farmers for one-time investment support was a matter of concern. Support for structural improvements to their farm and for training and suchlike were generally welcomed. Also, the need to meet new obligations regarding, say, hygiene standards for traditional on-farm activities such as the small-scale production and sale of local Munster cheese forced farmers to make this type of investment. Such incidental investment support from either European structural fund programmes or similar French programmes influences influenced the farmers' decisions for their holdings in a way that fits better in the normal time-horizon for renewal and development. This is different from the agri-environmental measures, which implies a fixed practice for part of the holding with a view to a long-term environmental effect.

When they signed the contracts the farmers were fully aware that the support package in this form was only secure for a five-year period. The amounts paid for the agri-environmental measures were attractive enough for the farmers to participate<sup>196</sup>. Consequently, they were willing to continue the working methods once their double duty was fully appreciated. This was firstly to cultivate agricultural products, for which farmers also sought higher revenues in the context of the constraints on production in mountainous areas, in the light of preserving natural values and for area-specific products. Secondly, this was the 'production' of a landscape and the actual conservation of nature for which they wished to be paid. As far as the regional nature park was concerned, it was hoped that once the experimental development of certain practices for part of the land of a holding proved useful, farmers would be willing to continue anyway. Besides this hope, the regional nature park also actively sought to promote the continuation of the local programmes.

The European agri-environmental measures found their way to the Vosges through an initiative by the regional park and the *chambre d'agriculture* which resulted in a set of *opérations locales* covering most of the most valuable landscapes and natural values within the area of the Ballons des Vosges. With the new approach after 1999, the approach that was developed in the local programme could be continued for a new period by drawing up a *contrat territorial d'exploitation*. The French agricultural ministry sought to strengthen the emphasis on the protection of the environment and natural values in these *contrats territoriaux d'exploitation*, as well as to promote the multi-functionality of agriculture as a provider of landscape, a food producer, a leisure facility and a source of employment. The political pressure behind the new approach was strong, as the ministry wanted to combine all the public funding for agriculture into one territorial contract that met the needs of society. For areas where the agri-environmental measures were applied in *opération locale*, the approach looked familiar. At *département* level the agricultural objectives were to be determined by a committee for agricultural structure in which nature protection and consumer organisations needed to be represented.

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196 Average amounts of 20,000 FF were paid to some 300 farmers through the local programme of the Vallées Rhinoise. For some farmers the support added up to 100,000 FF.

The European Commission was not in direct agreement with the French central government on this approach and the way the agri-environmental measures would be included in it. Yet, within the perimeter of the *opérations locales* in the regional nature park of the Ballons des Vosges, the preparation of the new *contrats territoriaux d'exploitation* that was undertaken after 1999 simply followed the same line of local priorities. On the basis of experience from the previous period and additional insight into the biological richness of the areas more zones of special environmental interest were designated. On the *hautes chaumes* in particular this led to modifications to the zoning for the agri-environmental measures. Renewal of the zoning was undertaken with Metz University in order to bring in additional external ecological expertise.

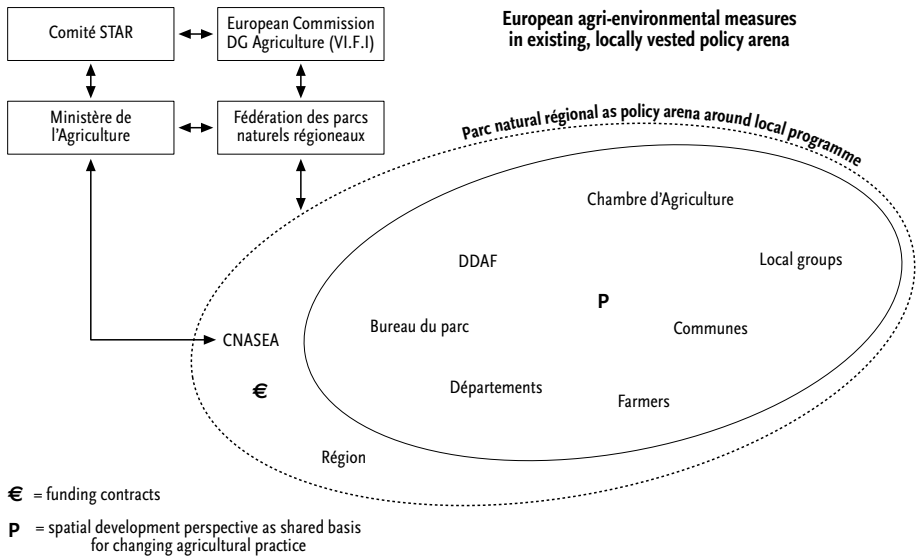
#### *Well-known partners meet again around agri-environmental measures*

To make use of the European agri-environmental measures in the regional nature park of the Ballons des Vosges many of the park's partners were brought together in the preparations for the programmes. The organisation of the regional nature park had been in place in the areas since 1989 to bring policies like these into practice; it was not a question of the park bureau developing a programme directly on the basis of the plan of a park. Two basic reasons underlay the need for a more complex involvement of actors in the programme preparation. The first was formal: the regional nature park was basically a *syndicat mixte* with membership of the three regions, the local authorities (*communes* and *départements*), the national forest agency *Office National des Forêts*, and social organisations such as the chambers of commerce and agriculture. For drawing up the programmes, the local departments of the agricultural ministry, the *Directions Départementales d'Agriculture et de la Forêts* (DDAF), needed to be involved and these were based within the *préfecture* of the *départements*. The *préfecture* is the local representation of central government. Its services were not directly involved in the park's organisation, which was responsible for supervising the implementation of national policies.

The second reason was budget-related. The agri-environmental measures were funded by central government and the European Union. Co-funding to the tune of at least 50% was required and this needed to come separately from the regions and the *départements*. The regional nature parks' budget was also funded by central government, the regions and the *départements*, but no special arrangements existed for co-funding agri-environmental measures.

The first onset for the application of the European agri-environmental measures covered the whole of the characteristic heathland on top of the mountain range of the Vosges, which stretches over the three administrative regions Alsace and Franche-Comté, for which different (also local) services of the ministry in the four different *départements* were responsible. Further and concerted elaboration was needed, which evolved in a complete dossier by the regional nature park and the three DDAFs, Vosges, Haut-Rhin, Haut-Saone and Territoire de Belfort (Vosges, 1991). Subsequently, from 1993, the regional nature park became directly involved in the implementation of the first *Opération Groupée d'Aménagement Foncier Environnement* (OGAF), namely the part for the *hautes chaumes*.





**Figure 8.6** - Policy arena around agri-environmental measures in regional nature parks

The regional nature park undertook additional action by organising a series of meetings with farmers to promote participation in the agri-environmental measures and to draw up the actual contracts. At these meetings additional and more detailed maps of the zoning were presented by the bureau of the regional nature park. This task was arranged in a specific agreement for accompanying measures and carried out in co-operation with the *chambre d'agriculture*, which would provide the expertise to assess the qualities of the land of interested agricultural holdings according to the programme typology.

Whereas the first Art. 19 procedure was geared towards a contract between the individual farmer and the agricultural ministry, local authorities needed to play a leading role in the second generation of agri-environmental measures, the *opération locales*. Setting up the framework for these local programmes required preliminary research and a lot of concerted work with the *chambres d'agriculture* in the three *départements* and with individual farmers. The bureau of the regional nature park initiated an *opération locale* for the application of the agri-environmental measures, thereby formally representing the local authorities. The first initiative for application of the agri-environmental measures by the local services of the agricultural ministry was further developed by the regional nature park by putting it into a broad local perspective. In its staff of around 30 persons, the bureau of the regional nature park had several experts in agricultural engineering, environmental engineering, forestry, landscape planning and other relevant fields who could support local authorities in setting up the agri-environmental measures. In the early 1990s, various initiatives to apply the new European policy throughout France came from regional nature parks. These initiatives were also actively promoted by the federation of regional nature

parks through the exchange of ideas and experience of the first few French projects for agri-environmental measures in the late 1980s.

The role of the regional nature park of the Ballons des Vosges in preparing the programmes for the agri-environmental measures was to stimulate the co-operation between the local governments, the *chambres d'agriculture* and the farmers. The main contribution by the bureau of the regional nature park lay in developing the zoning of all the agricultural land on the mountains and hillsides within the perimeter for the application of the European agri-environmental measures. The further development of local programmes was supported by technical experts from the local branch of the Ministry of Agriculture. For example, cartographers of *Directions Départementale d'Agriculture et de la Forêt* elaborated the zoning on detailed maps at the request of the bureau of the regional nature park. Along with the start of the first 'old-style' OGAF programme, which was limited to the *hautes chaumes* in 1993, the *opération locales* for the *hautes vallées* were presented to all parties involved in 1993. Although it took until 1995 to get final approval from the Commission, the first contracts could be signed directly afterwards thanks to the active communication with the farmers concerned.

The consultations on the proposals, notably the zoning, included recommendations by the local planning commissions, the *commissions communales d'aménagement foncier*. These recommendations were given to the *comité de pilotage*, the steering committee for the local agri-environmental programme in which the main local, regional and administrative actors were brought together.

As it was presided over by one of the mayors and attended by councillors of the *communes* and *départements*, the steering committee united a group of local governments (at both tiers) also involved in the *syndicat mixte* of the regional nature park. Landowners and farmers, representatives of environmental action groups and local groups from the villages concerned were also on the steering committee. Lastly, a representative of those charged with research for the programme also took part in the steering committee. The steering committee was responsible for the final decision on the zoning of the programmes. Despite all the consultations in the preparatory phase and the broad set-up of the steering committee, in the end the farmers with a holding inside the perimeter of the *opération locale* had to decide for themselves whether they wished to participate in the programme and sign a contract.

The local steering committee remained involved in the management of the *opération locale*, also after the contracts had been signed by the agricultural ministry and the participating farmers. The formal procedure provided for a recommendation by the local mayor attached to the request for the annual compensatory allowance that was submitted to the steering committee. In the event of disagreement – e.g. if the mayor's recommendations were negative – it was possible to call in an evaluation commission that further examined the details of the agricultural practice of a holding, the local situation and the requirements of the *opération locale* before proposing arbitration to the steering committee. The contracts and requests for annual payments were sent off to the local department of the agricultural ministry

for signature and to the CNASEA for further administrative processing, only when the request was granted by the *Comité de Pilotage*.

A local programme was formally submitted by the chairman of the regional nature park and the chairman of the *chambre d'agriculture*. The final approval of the programmes, through central government in Paris and the Commission in Brussels, was finally transmitted by the director of the local department of the ministry. Formally, for the management and continuation of the programme, the regional nature park was in no way indispensable for the agri-environmental measures. Once experience had been built up with the new European policy regime, and the first programme was up and running in the Ballon des Vosges, the local service of the agricultural ministry DDAF took over the formal co-ordination of the application of the European agri-environmental measures. The regional nature park itself was not involved in the funding of the measures. Around one third of the expenses was paid by the European Union, one third by central government and one third by the region.

*Regional nature park provides trustworthy platform*

Once it had taken the first initiative for using the European agri-environmental measures in the Vosges, the regional nature park could confine itself to bringing together the representatives of the ministry, the local governments and the farmers for the management and continuation of the local programme (see Figure 8.6). Although the programmes, once firmly installed in the area of the Ballons des Vosges, were co-ordinated more directly by the local department of the agricultural ministry, the co-operation between all the parties was carried through with participation of the regional nature parks' staff. The park bureau was housed in the *maison du parc*, which was centrally located in Munster. This *maison du parc* was not only the park's reception and visitor centre, it also served as an information centre with a library containing all the relevant documents and background information and research reports for the use of those involved in the park's activities. What is more, it also had meeting rooms to bring together people, local and regional organisations, and the local authorities for meetings, discussions and whatever action was needed to facilitate initiatives. The *maison du parc* served as headquarters for meetings to approve the annual round of contracts, as well as for consultations on the next generation of local programmes, the *contrats territoriaux d'exploitations*.

The co-operation, as it was established between the communes and the agricultural sector, was continued for drawing up the new *contrats territoriaux d'exploitations* in a way that was merely a copy of the local programme of the previous period, notably in the part lying in the Franche-Comté region and in the *département* Haut-Rhin in the Alsace region. For the *hautes chaumes*, a partnership with researchers from Metz University was set up in order to gain additional ecological knowledge for developing more detailed zoning and site management.

The emphasis of the Regional Nature Park on the use of European agri-environmental measures for preserving and improving the landscape and natural values in the Ballons des Vosges did not guarantee the automatic continuation of the

programme. The cooperation of the regional government and the *départements* was essential for budgetary reasons in particular. Initiatives of the regional park needed to link up with the priorities of these three administrative regions. The financial resources for co-funding the European agri-environmental measures were not secured in the regional and departmental budgets for the Vosges *département*. There was only one way of actually creating the necessary budgetary capacity for a continued structural contribution to the agri-environmental measures by the *départements*. Apart from expenditure on the experimental measures in the *hautes vallées*, the structural contribution to the local programmes required a budget for environmental measures that could only be raised by levying a specific tax, the *taxe départementale des espaces naturels sensibles*<sup>197</sup>. Despite the successful experiments with the agri-environmental measures in the *hautes vallées* in the *département* Vosges (in the Lorraine region), there was little support among the local politicians and the public for such a tax, which would allow a more structural continuation of the programme. The agri-environmental measures retained their experimental character. Here, the regional nature park was again involved in a new experimental project with six communes in close co-operation with the agricultural sector, notably the *chambre d'agriculture*.

The chances of a successful continuation of the agri-environmental measures were slightly better in the Alsace region. To begin with, the *département* of Haut-Rhin did levy such a tax for environmentally sensitive areas. Hence, the agri-environmental measures were most easily continued there. Furthermore, a contribution by the region was safeguarded, as half of the budgetary commitments of the Alsace region with central government in the *Contrat de Plan* provided for area-specific measures, the so-called *volet territorial*. Also, in the previous period of the *contrats de plan*, covering 1994-1998, the regional budgets offered opportunities to profit from European funding in designated parts of the territory (Clément, 1995). The region committed a substantial part of its budget to a balanced territorial development: “renforcer l'équilibre des territoires alsaciens” (Alsace, 2000, pp. 75-86). Several of these priorities were particularly relevant for the two regional nature parks in the Alsace<sup>198</sup>.

Most importantly, co-funding was provided for the continuation of existing actions and commitments in the regional nature parks in the Alsace: “Pour la mise en oeuvre du projet de territoire que constitue leur charte respective, les parcs naturels régionaux contribuent à l'objectif d'un développement durable du massif vosgien. Aussi, l'État apportera un concours financier d'un montant de 21 MF au titre de la poursuite des actions engagées par le PNR des Ballons des Vosges, qui s'étend sur le territoire des régions Alsace, Lorraine et Franche-Comté” (Alsace, 2000, p. 83)<sup>199</sup>. There were several other budgets which the regional nature parks specifically benefited from, such as the budget of the *Fonds National d'Aménagement du Territoire*: “Dès, lors qu'ils s'inscrivent dans des projets de territoire, les projets des deux

197 Based on Art. L.142.2 to 5 of the *Code Rural*

198 The regional nature park of the Vosges du Nord is also located in the Alsace region

PNR pourront bénéficier, tant en fonctionnement qu'en investissement, des crédits du FNADT"<sup>200</sup>(Alsace, 2000, p. 76). Central government similarly contributed to the continued application of the agri-environmental measures in the regional park. In an agreement for additional action in the Ballons des Vosges central government explicitly emphasised the role of the regional nature park in taking the initiative for these measures, in promotion and support and in undertaking research (Alsace, 1997). Furthermore, the process of preparing the new charte for the re-establishment of the regional nature park for 1998-2008 reflected the commitment to local programmes for, amongst others, agri-environmental measures. Four working committees supervised numerous technical meetings, sectoral meetings and political meetings in the plan preparation phase. The consultation phase and detailed elaboration of ideas for the renewal of the charter, and hence of the regional nature park itself, was preceded by a summary of actions of the previous period, analysis of the region and some general proposals for future action. The third phase concerned a wide range of local consultations on the new charter before final approval by all the local and regional partners and central government.

The renewal of the charte was thus an open process with a broad local participation – and not just an account by the stunning number of 450 local politicians participating in the process. Even in view of customary French local government practice, an unusually high number of local governments was involved because the regional park of the Ballon des Vosges covered parts of three administrative regions (Lorraine, Alsace and Franche-Comté) and four *départements* and united 203 *communes*. The process of drawing up a new charter was unequivocally open, with some 150 meetings on specific issues, dozens of meetings for specific sectors and around twenty co-ordinating meetings in which other local representatives participated alongside the *élus* and officials. Given that the European agri-environmental measures implied a long-term change to local agricultural practice but only assured compensation for loss of income for a few years, it was this type of participative policy-making in the regional park that gave individual farmers the confidence to participate in the measures. The plan of the park and the locally vested organisation of the park laid a basis for dealing with future policy developments, which was trusted to include joint efforts for dealing with a new generation of agri-environmental measures again as well.

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199 In the adjoining table and annexes, a total budget of 49.30 million FF was made available specifically for these measures for the six-year period. This included a contribution of 7.7 en 5.6 million FF from the two *départements* concerned, 15 million FF from the regional budget and 21 million FF from central government.

200 The amount provided, some 160 million FF, allowed substantial action in this field

### 8.5 Regional nature park serves 'good agricultural practice'

The introduction of the European agri-environmental measures marked a fundamental shift in the common agricultural policy towards a policy that supported the agricultural sector, but with a view to qualitative objectives. This change started with the 1992 MacSharry reforms and was continued and further extended in later budgetary reforms for the current 2000-2006 period. The case study on the application of agri-environmental measures in France specifically covers the period 1993-1997, but also highlights the efforts made for the continuation of the measures after 1999. The measures were then beyond the experimental stage in a member state that regarded them as an uncontested part of its rural policy.

The agri-environmental measures aim, in the end, at changing existing agricultural methods into what goes beyond 'good agricultural practice', as it is called in the common agricultural policy. The specific qualities of rural areas need to be defined in such a way that each individual farmer knows which requirements have to be met on his or her holding in order to achieve this 'good agricultural practice' with a view to local circumstances. The application of European agri-environmental measures partly depends on an adequate translation into national measures, but it also requires some form of local organisation for successful implementation in order to define environmental quality in terms of landscape, natural values and environmental conditions. This counted for the French local operations in particular. The focus in the case study was therefore on such an *opération locale* in the regional nature park of the Ballons des Vosges.

The administrative and practical execution of the agri-environmental measures provided for contracts and payments to each participating farmer. This was undertaken by the CNASEA, an agency of the French Ministry of Agriculture that was set up for this type of agricultural policy. Furthermore the decentralised service of the agricultural ministry, which represented the ministry with its staff in all the French départements, was obviously closely involved in supervising the setting up of the local operations. Despite these agencies within the direct institutional set-up of the agricultural ministry, the French ministry of agriculture acknowledged explicitly that the regional nature park was a platform *par excellence* for the application of agri-environmental measures. Drawing on previous experience of the innovative and organisational work of regional nature parks, central government decided on the possibility of local programmes for the European agri-environmental measures in its national scheme. The regional nature parks in France provided a basis on which local programmes for the agri-environmental measures could easily be defined and a basic organisation to implement the measures. The park formed the policy arena around the agri-environmental measures. The park's organisation initiated the application of the measures and facilitated the preparation of a local programme. Among its own staff the park bureau had some of the expertise required to take the initiative. In later stages additional expertise needed for farming practice and local indicators came from diverse parties, most of which were already involved as partners of the regional nature park. This came from the decentralised services of the agricultural ministry

Parc naturel régional as policy arena for European agri-environmental measures	
Composition	Elected representatives of local governments (collectivités territoriales), individual farmers, local groups, and chambre d’agriculture participated in setting up a local operation, supported by the staff of the bureau of the regional nature park. Additional expertise came from decentralised services of the Ministry of Agriculture and (scientific) research institutes. Regional government was indirectly involved in providing co-funding. CNASEA mainly did administrative guidance
Selection & Identification	Confrontation of individual new ideas and existing indicative notions of the parks’ plan led to local definition of the European aims for ‘good agricultural practice’. There was a focus on using existing initiatives, building on existing networks, but with additional meetings and discussion of ideas.
Interactions & exchanges	Elaboration of ideas based on indicative zoning in the plan of the regional park and requirements for additional funding in <i>Contrat de plan État-Région</i> Preparation of local operation was an open process of gathering new ideas additional to basic zoning in plan of the park. Detailed selection of eligible sites and mapping using central government expertise. Ideas on changes in agricultural practice used expertise available in government organisations. This was the basis for negotiations on precise compensatory allowances. The rest was administration of final contractual arrangements between individual farmers and state

**Box 8.6 - Properties of policy arena around the quality of rural areas**

DDAF, from the *chambre d’agriculture*, and from external scientific experts. The park played a limited role in co-funding the local programmes, as this was undertaken mostly by the regional government or the *départements*.

The plan of the park and the basic zoning of the area indicated specific landscape, nature and environmental qualities that suited the needs of the agri-environmental measures. This formed the basis for a local elaboration of an agricultural practice that respected the environment while contributing to the containment of the total European agricultural production. The French elaboration of the European measures was increasingly geared to a territorial approach to various support measures for agricultural holdings, in particular with the administrative instrument of the *contrats territoriales d’exploitations*. This approach to rural policy, instead of an agricultural sectoral policy, required a detailed definition of the levels of compensatory allowances. These needed to relate to actual changes in the yields due to the adapted agricultural practice on the holding and the subsequent loss of income.

*PNR as policy arena around locally vested spatial perspective*

As long as the agri-environmental measures are voluntary, the individual farmers need to have a sense of trust in a long-term perspective of continuation before

participating in the first place. In this case, the basis for this trust was formed by the locally shared spatial perspective that was laid down in the plan of the park of the Ballons des Vosges and which corresponded with the aims of the agri-environmental measures. The regional nature park maintained the intensive contacts with local stakeholders that were needed for the preparation of a local programme of agri-environmental measures. This made it possible to organise the preparation of a local programme in an open way, just as the aims and objectives for the re-establishment of the park itself and its plan were organised in an open process with participation by all the local stakeholders.

The French regional nature parks provided a policy arena around an existing, locally vested spatial perspective to which the agri-environmental measures could link directly with a view to realising European aims for 'good agricultural practice'. The application of agri-environmental measures, particularly in the form of the local operations, could be linked to the local spatial perspective without an apparent need to change the existing, locally vested policy arena; it merely contributed to its dynamics. The preparation of the local programmes contributed considerably to refining the initial zoning of the plan of the park, and to the insight into the possibilities for local agricultural practice that helped to meet the aims of the regional nature park itself. The experience that was built up locally with the application of the European agri-environmental measures enhanced the local insight into how to deal with agriculture in environmentally sensitive area and how agriculture could contribute to the aims and objectives of the park itself.



## **Reflection II**



## Chapter 9

### Discovering the locus of European integration

#### 9.1 Introduction

An analysis of emerging European spatial policy-making inevitably needs to deal with the question of why such a new field of action has come into existence for European policies, whilst the competencies of the European Union have, so far, not formally covered spatial policy-making or planning. We initially identified three spatial development issues in broad outlines, suggesting that the fact that these are identified and addressed in European policies must mean that they are crucial to the process of European integration. These three European spatial development issues are the structural improvement of regions, the creation of infrastructural networks at European level and the improvement of the quality of rural areas. On the basis of initial insight into the variety of emerging European spatial policy-making, we then suggested that a variety of policy arenas became established around European spatial development issues within the complex interplay between European and member states' policies. This led us to suspect that emerging European spatial policy-making is not just a new field of policy-making but can indeed be seen as another new step in the gradually progressing process of European integration. We defined the concept of 'locus' of European integration to understand emerging European spatial policy-making in the context of the integration process. The locus of European integration exists in the spatial dimension of the process of European integration that is being identified and addressed in policy processes and decision-making and in which new ways of policy-making are being developed that can be seen as a new step in the process of European integration.

Our point of departure in this study into emerging European spatial policy-making was that we expected planning to be used to identify spatial development issues in the context of European integration and to find ways of dealing with them. Planning was seen as a way of building the capacity needed to deal with issues in the process of European integration by bringing the spatial aspects of an issue to the core of policy processes and decision-making. In part two of this research we analysed the contribution of planning to the establishment of policy arenas around European spatial development issues in four cases. In four case studies we unravelled how four distinct planning mechanisms contributed to the establishment of policy arenas around European spatial development issues.

The reflection in this chapter on the four case studies deals with the three questions set out in section 4.2. The first question concerns the spatial dimension of European integration. The second question concerns the help of bringing the focus on spatial aspects of the issues at stake in policy processes to these particular policy

processes and decision-making. Finally, we will tackle the more basic third question of why planning is being used for European policies.

Below, in Section 9.2, we will deal with the first question. The question of what is the spatial dimension of European integration is one part of what we have defined as the locus of European integration. We will reflect once more on the three European spatial development issues initially identified in this research, as the case studies illustrate in more detail how the spatial aspects of certain issues are incorporated in European policy-making.

In Section 9.3 we will deal with the second question of how planning was used to bring the spatial aspects of the issue to the core of policy processes and decision-making. The answer to this question lies in the contribution of planning to the establishment of policy arenas in which European policies became intertwined with member states' policies. We will reflect on our analysis of policy arenas around European spatial development issues. We will relate the three dimensions of the policy arena we have distinguished analytically to the four planning mechanisms that were analysed.

Finally, in Section 9.4 we will deal with the third, more fundamental question of why planning was used for European policy-making. Emerging European spatial policy-making in the process of European integration is seen as a new form of European governance. We will look back at the concept of policy arenas that we used for our analysis and its underlying theoretical assumptions. After that, we shall try to make concrete how planning contributes to building capacity for European governance.

## **9.2 The spatial dimension of European integration**

A comparison of the four cases in terms of how spatial development issues are identified in policy arenas will deepen our understanding of the spatial dimension of European integration. The explicit identification of spatial development issues in European policy-making partly uncovers the first part of what we have defined as the 'locus' of European integration. Initially, we were able to claim that the spatial dimension of European integration could be found in certain spatial development issues that are identified and addressed in European policies, rather than in a comprehensive conceptualisation of the territory of the European Union. On the basis of the case studies we can refine this view by focusing on the spatial aspects that are brought to the centre of European policies and decision-making processes. Apart from the case of Natura 2000, it appears that the creation of the single market is still a central notion for understanding the spatial dimension of European integration that is identified in spatial policy-making, albeit in quite different ways.

### *Structural improvement of regions: balanced spatial development*

The structural improvement of regions as a European spatial development issue was perceived as a direct consequence of the creation of the single European market. For

traditional industrial regions in particular the lack of opportunities to take advantage of the single European market were brought to the fore. In the European regional policy, this notion of the need to take full advantage of the single European market was translated into investments from the European structural funds in deprived regions. It was thought that the structural improvement of these regions through a combination of physical, economic and social development projects would allow them to compete more effectively in the single European market.

The unequal spatial distribution of the potential to profit from the single European market is identified in only a few single social and economic indicators in European regional policy. These neglect much of the spatial distribution of the underlying complexity of these problems. Yet, in the subsequent process of joint policy-making between European and regional and local parties, a much more sophisticated perspective on the issue is developed, which builds on a local understanding of the need to take action in a region – a need that was made all the more urgent by the concentration of traditional economic sectors. In the case of the North-East of England, European intervention in regional negotiations lessened the emphasis on large-scale investments to attract foreign companies in favour of a strengthened spatial focus on investment and the physical restructuring of those areas which would also benefit specific deprived social groups in certain parts of the region. The confrontation with the singular aims determined at the European tier changed the existing regional priorities.

The aim for structural improvement of deprived regions was essentially based on the notion of a 'balanced spatial development' in which socio-economic inequalities were considered a threat to the proper functioning of the single European market. With the infrastructure axes that were identified and the focus on certain missing links, the concept of trans-European networks offers a contrasting spatial perspective that with an emphasis on interlinking the urban and economic core areas in the European territory. These preferences initially came from the same desire to take full advantage of the single European market, but evolved into a different spatial conceptualisation of the European territory.

The notion of a balanced spatial pattern for the European territory in relation to the creation of the single European market is not confined to urban areas; it applies to rural areas as well<sup>201</sup>. Although the successive efforts for a comprehensive rural development approach in the common agricultural policy were unsuccessful, a range of measures for maintaining a basic level of agricultural activity throughout Europe has been gradually evolving.

The notion of a balanced spatial development was also further developed in the context of the experimental spatial planning efforts that sought to support interregional co-operation and in the efforts for drawing up a European Spatial

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201 Consequently, the regimes for the European structural funds for deprived rural and urban regions have been merged in the 2000-2006 programme period. The separate objectives 2 and 5b in the framework regulation for the structural funds has been replaced by a new objective 2 that covers both urban and rural regions.

Development Perspective (ESDP). Although this was done within the European regional policy, so far little practical use had been made of these efforts in contributing to the more sophisticated spatial perspective of regional development problems. The limited insight into how to deal with the complexity of the spatial development pattern of socio-economic inequalities at European level left the challenge of making a meaningful contributions to negotiations on structural improvement of a region such as the North-East of England to individual Commission officials.

*Infrastructural networks serve the single European market*

Existing priorities for infrastructure in member states and plans for high-speed rail networks have become an integral part of a European concept for infrastructural development. The concept of trans-European networks has been heavily influenced by national preferences for new infrastructural projects, as well as by a distinctly European perspective on the need to identify missing links in order to complete infrastructural networks throughout Europe. The supplementary maps were not particularly visionary; they were rather practical and operational maps that contains the infrastructural lines and elements that needed improvement and the missing links that needed to be solved. The concept of trans-European networks seeks, when necessary and possible, within limited formal instrumental possibilities, to change prioritisation in infrastructural investment in the infrastructure policies of the member states.

Besides this, the concept of trans-European networks took a wider perspective in the context of European policies. In this spatial concept, the national priorities for infrastructure were linked to economic, social and environmental aims. The concept referred to a physical reality of large infrastructural elements of European importance and to cross-border infrastructure, as well as to a functional need to connect several types of infrastructure with a view to the liberalisation of transport markets. The rather straightforward national desires for construction of infrastructural projects that built up the complete European networks were complemented with more abstract notions of technical interoperability, or modal shift. Environmental aims were reflected in the ambition for a 'modal shift' towards more environmentally-friendly modes of transport such as railways. Connecting different types of infrastructure for different modes of transport in the new European networks fulfilled this aim. In particular for rail transport, the linking of infrastructural development was also closely related to the realisation and operation of the single European market. Regulatory harmonisation for technical interoperability created a more favourable context for the deregulation of rail transport, which in turn invited private participation in the management or construction of infrastructure. The additional effect of private investment upon public funding that could otherwise not be sufficiently stepped up was also considered necessary to meet the social needs for direct employment in the construction of large infrastructural projects. This aim had been previously met in the form of smaller-scale infrastructural projects that used to be important

beneficiaries of the European Regional Development Fund in programmes for deprived regions.

*The quality of rural areas: appreciating biodiversity and cultural history*

In the case studies, two distinct approaches in European policies on improving the quality of rural areas were analysed: the agri-environmental measures in the common agricultural policy and the realisation of Natura 2000 in the environmental policy. Though these approaches identify the quality of Europe's rural areas in completely different ways, they proved surprisingly complementary. Whilst the nature conservation policy clearly seeks to preserve the natural riches of Europe, the emerging rural policy seems to be dedicated more to preserving the characteristics of Europe's rural cultural history and landscape. They can thus be seen as two complementary approaches, albeit that they also show remarkable differences in the ways in which they actually address spatial aspects in European policy-making.

The aim to create the Natura 2000 ecological network of nature areas placed a strong emphasis on expert definitions of key ecological resources which are characteristic of the European territory. The aim of designating a network of existing nature areas that need to be protected by legislation required a full-scale compilation of existing data and inventories for missing data on the distribution of the populations of listed species and habitat types. The additional inventories and the data assessment helped to further define the quality of Europe's rural areas in terms of their natural values and their share in global biodiversity. These assessments and the further definition of the key ecological resources took place at European tier for each of the six European bio-geographical regions. The case study in North Rhine-Westphalia showed that the selection of sites, the additional inventories of recent data and the subsequent changing priorities for nature protection, took place locally and nationally in a fierce debate on the need to protect these nature areas and the consequences for existing and future land-use. It was a logical consequence of the anticipated effect of the full implementation of the European directives that provide for procedures which require the key ecological resources to be taken into account in decision-making on future spatial developments in or near these nature areas.

Interestingly, the protection of key ecological resources could in no way be linked to the process of economic integration or the creation of the single European market. It was thanks to the competencies that were transferred to the European Union so that it could sign international environmental policy agreements on behalf of its member states, that nature conservation found its niche in European policies. The creation of Natura 2000 was the main European contribution to maintaining global biodiversity. The list of species and habitats and the inventories and data compiled for the selection of sites were priorities for the quality of rural areas that needed to be defined in order to pursue the international aims for maintaining global biological diversity.

In contrast to Natura 2000, the development of a comprehensive approach to the quality of rural areas in the common agricultural policy could again be understood in relation to the single European market. Support for agricultural activity in so-

called 'less favoured areas' already compensated the farmers for competitive disadvantage in these regions in the single European market and also contributed to the prevention of landscape erosion. Moreover, it helped to maintain a minimum level of social structure to keep mountainous regions occupied, thus reflecting a basic notion of a balanced pattern of spatial development. From that point on, the appreciation of the quality of rural areas was taken a step further, relating agricultural practice to local environmental circumstances and landscape, and to key ecological resources. These are not necessarily the same key ecological resources that are identified in the light of maintaining biodiversity or the realisation of the Natura 2000 network of nature areas. The case of agri-environmental measures showed that local preferences were more geared to preserving the cultural-historic landscape. Unsuccessful attempts to design a typology of rural areas to guide rural policy in the common agricultural policy showed that the spatial conceptualisation of the variety of Europe's rural areas remained difficult at European level. The case study showed that in French regional nature parks the link between agricultural practice and the aims to maintain the physical qualities of rural areas were best defined locally, as this mobilised local knowledge with respect to the potential contribution of adapted agricultural practice to the preservation of the much valued landscape.

*The spatial dimension of European integration and the ability to identify it*

It is not easy to formulate general findings on the spatial dimension of European integration. This is not surprising, given the variety of ways in which spatial development issues are identified and addressed in European policy-making. The concept of trans-European networks, the structural improvement of regions, and the aim for 'good agricultural practice' were all attempts to identify and address the changes in the pattern of European spatial development in relation to the dynamics of the European economy. This means that the simple fact that certain economic or social developments led to physical changes throughout the European territory, such as growing transport flows that required new infrastructure, did not in themselves trigger the conceptualisation of European spatial development issues. The notion of the proper functioning of the single European market – in positive and negative terms – was the driving force behind the identification of spatial development issues.

The 'single European market' as a trigger for identifying spatial aspects does not only pertain to the relation between economy and the European spatial development pattern; it also represents a wealth of ideas and formal policy aims, not least in the social and environmental domain. This is clearly reflected in the concept of trans-European networks, which aims to develop infrastructure for growing intra-European transport flows, but also to promote direct and indirect employment and a modal shift towards more environmentally-friendly transport. It is also reflected in the structural improvement of regions, which aimed to make regions more competitive locations for companies operating in the European market, whilst tackling problems of unemployment, training and education and improving environmental conditions at



the same time. A similar combination of aims can be defined for 'good agricultural practice' which, in the context of the changing organisation of agricultural markets, is geared to keeping rural areas inhabited and conserving environmental quality. The case of Natura 2000 showed that the identification of spatial development issues that were not functionally related to the realisation of the single European market required different circumstances in order to be incorporated into European spatial policy-making. In this case it was in international agreements on maintaining global biological diversity that we found the main reason for the rather straightforward nature conservation aims of Natura 2000 in the European environmental policy. Essentially the formal institutional set-up of the European Union which provided it with the competencies to represent its member states internationally has made this possible, together with the international political support for nature protection raised by NGOs and governments.

There are striking differences between the various European policy domains in terms of the ability to conceptualise or even identify spatial development issues at the European tier. All the cases reveal that the difficulties in finding ways to deal with the spatial aspects of an issue can be related to the lack of professional expertise at European level. In the common agricultural policy a series of attempts were made to identify the rural issues, including the spatial development issues, but in the end it needed to rely on local abilities for agri-environmental measures. In the European regional policy there was a tradition of monitoring social and economic development in regions. Yet, the structural, physical and spatial realities behind the statistics on unemployment rates, social exclusion and lack of education were more difficult to grasp from a remote European perspective. As these were needed for the implementation of the structural funds, European aims had to directly confront regional views on the regions. In the common transport policy, the technical expertise on infrastructure, which existed in member state ministries and in the transport sector, was mobilised by installing various working parties. The concept of trans-European networks was the result of close contacts between the policy-makers of the member states and the Commission, railway companies, transport and environmental lobby organisations, and so on. Nature protection policy also drew on a community of scientific experts to develop and implement a European spatial concept for nature protection. This community of experts had already been mobilised for national and international policies on nature conservation.

The future relevance of identifying or conceptualising spatial development issues in the context of European integration will depend on expertise created at the European tier. The efforts to draw up the ESDP in the regional policy are an example of an attempt to create such expertise, although this has leaned heavily on both the initiative and the expertise of the member states and hired professional planners from the business and academic community. Together with some of the trans-regional and interregional spatial planning experiments, professional planners have also developed useful notions of the European spatial development pattern and even spatial concepts. For a useful continuation of these efforts, the European Spatial Planning Observatory Network may prove essential in mobilising the necessary

expertise and in finding the ways, notions, concepts and language to identify the spatial dimension of European integration. However, this is not enough. The locus of European integration is also found in a variety of ways in which the spatial aspects of policy issues are dealt with. Further analysis is needed of experience being built up in emerging European spatial policy-making.

### **9.3 The role of planning in European policy-making**

Now that we have a clearer understanding of the spatial dimension of European integration, we can turn to the question of how planning was used to identify this spatial dimension of European integration, or more precise, how planning brought the spatial aspects of an issue to the core of European policy processes and decision-making. The answer to this question can be found in the contribution of planning to the establishment of policy arenas. Policy arenas were considered as a platform for policy processes and decision-making that could take a formal shape or a more fluid or temporary structure for policy-making, or a mixture of both. Examples of a formalised policy arena are the regional partnership in the case of the European structural funds or the regional nature park in France for agri-environmental measures. Examples of informal policy arenas are the combination of ad hoc working parties and committees in the case of the trans-European networks. The expert community that was mobilised in various parts of the policy process around Natura 2000 is also an example, although we can also see a more formal form of policy arena emerging in the bio-geographical seminars. In all cases, a variety of parties was able to participate in such a policy arena on the basis of a shared notion of the issue at stake. The collective focus on spatial aspects enabled joint policy processes and decision-making on collective action.

In our reflection on this role of planning in European policy-making we need to take account of how we have used the policy arena as a unit of analysis. Using the policy arena as a unit of analysis has made it possible to gain insight into the policy processes in which European spatial development issues were identified and addressed in the complexity of European policies and member states' policy systems. Different planning mechanisms, which we defined as the virtues of planning, were used in the cases that were analysed. These four planning mechanisms were considered to represent the full repertoire of ways in which spatial aspects had, so far, been brought to the core of European policy processes and decision-making (see Box 3.1 and 4.3). Taking the policy arena as our unit of analysis for the cases of European spatial policy-making we analytically distinguished three dimensions of policy arenas (see Section 4.3 and Box 4.2). The first dimension was the composition of the policy arena, which concerned the basic variety of the parties represented in a policy arena. Most relevant in this respect was the range of government tiers that were represented. Furthermore, underlying this dimension were the resources that each party could draw upon and the basic perceptions of the issue at stake. These were linked to their respective institutional position.

The composition of a policy arena was the result of the selections made in policy processes, and the *identification* of the spatial aspects of the issue, which was defined as the second dimension. Underlying this dimension was an interdependence of the parties involved in the policy processes and the power that they exercised over each other. The latter was defined as the ability of the various parties to contribute to identifying and dealing with the spatial development issue. We then defined the range of *interactions and exchanges* as the third dimension of the policy arena. These interactions concerned the day-to-day processes in which the various parties were brought together in the policy arenas and in which the joint perception of a European spatial development issue was formed. The nature of these exchanges indicated what the various parties were willing to contribute or needed from each other as a basis for collective action. Below, we will reflect once more on the role of planning for European policy-making from the perspective of the three dimensions of the policy arena. We will focus more particularly on how planning related to the institutional context of European policy-making and on the resources that were available to the parties involved.

#### *Creating situations for negotiation on spatial development*

Negotiating spatial development often involves funding. In European regional policy, substantial amounts of funding in the regional policy involve spatial developments. There are two reasons for the need for negotiations. In the first place, even when substantial amounts of European funding are at stake, all the allocation requirements cannot be determined in detail – either by the Commission or by the member states operating jointly in the Council from the remote European tier. Secondly, there is the simple fact that European funding needs to be matched by co-funding. In the European structural funds, these negotiation situations were created on the basis of the need to specify detailed requirements for projects to be eligible for funding in regional programmes. In the case study on the structural improvement of the North-East of England we found that a policy arena was established by creating these settings for negotiations, where spatial priorities played a leading role.

The composition of the policy arena is formed by the parties that can gain access to the negotiations on the allocation of funding. Experience with the extensive administrative procedures for European funding is needed to participate in the negotiations. In a region like the North-East of England, there were many other parties that had built up this experience in previous funding periods. Local authorities had even organised themselves to promote the participation of various regionally and locally operating organisations in the European funding by forming European Teams. In practice this meant that almost any organisation that was somehow involved in development projects in the region could gain access. On the basis of the regulations for the structural funds, the Commission used its formal powers vis à vis the member state to strengthen the local political representation in the regional partnership. This supported the position of local authorities in the negotiations, but the main aim of the Commission was to emphasise the need for a real regional development perspective. In later interventions the Commission aimed

to make way for the involvement of locally operating parties. This way it emphasised European aims to concentrate the allocation of funding again by way of clear spatial priorities. The changed composition of the policy arena added new perspectives to the negotiations in terms of certain sites that promoted social projects as well as environmental improvements.

The principal way to gain access to the negotiations on the allocation of European funding was through the need for co-funding. Co-funding came from national schemes in the United Kingdom, from local authorities and from private parties. Central government agencies and local authorities that could provide this co-funding were therefore dominant parties that could largely determine the course of the negotiations for European funding.

The actual focus on spatial priorities was the result of Commission intervention in the preparation of the regional programme by requiring the selection of 'strategic development areas'. At a later stage of negotiations between regional delegates and the Commission, these areas had to be in the vicinity of the most deprived neighbourhoods and preferably brownfield developments. The regional programme that resulted from the negotiations in the region and Commission intervention represented a more sophisticated perception of the physical, economic and social problems than the few single indicators that identified the North-East of England as 'deprived' in relation to the European average for socio-economic development. The regional strategy that was developed for the programme for the structural funds linked the need to be competitive in the single European market to local problem hot-spots in the region.

Although the Commission could intervene in the negotiations, neither it nor the other big players in the region were able to fix the selection of strategic development areas completely on their own. The smaller and locally operating organisations were also needed to round off the negotiations on developing the range of the actual projects that met all requirements for the proposed strategic development areas. They had limited access to co-funding but they had the ideas and the contacts in the deprived neighbourhoods that were needed to set up projects that could be realised in time for the European funding.

Settings for negotiation that involve spatial developments were also created in other case-studies, but in these situations we found that this was not the dominant planning mechanism that contributed to the establishment of a policy arena. The funding instrument for the realisation of trans-European networks created a limited situation of negotiation between the Commission and formal member state representatives on project priorities. In the case of Natura 2000 a negotiation setting was also created, notably the bio-geographical seminars. These seminars were not about funding, but were an expert assessment of ecological data for selecting the sites that would be part of Natura 2000. The bio-geographical seminars were meetings between the Commission and member state representatives, but they accorded a prominent role to independent experts for negotiating the selection of sites in the light of uncertain scientific data, the lack of adequate data, and uncertain or contested principles of what an ecological network of nature areas should be.

*Appealing spatial concepts*

The concept of trans-European networks was the pivot of the renewed European infrastructural policy. The bearers of the concept of trans-European networks were forms of European legislation with limited formal meaning. The amount of European funding that was available was also limited considering the ambitious aims of infrastructural construction and the envisaged effects on employment and the economy. Despite the limited formal powers to which the concept of trans-European networks could relate, we found this an appealing spatial concept that contributed to the establishment of a policy arena around European infrastructural development.

This policy arena was a trans-national policy arena consisting of parties who were either operating at the European tier inside and outside European Union institutions or at the central government tier of the member states. Both the representatives from the public domain and the representatives from the private (or semi-public) transport companies and lobby organisations made an effort to get themselves organised for participation in policy processes on the European tier. The environmental lobby and the railway companies had founded new organisations, Transport & Environment in Europe (T&E) and the *Union Européenne des Chemins de Fers* (UEC). The Dutch ministry of transport and infrastructure had made sure of the necessary expertise in the Dutch permanent representation by having an official stationed there.

Maybe the most remarkable aspect of this policy arena around European infrastructure is the natural ease with which the Dutch ministry accepted that the construction of high-speed railways and other infrastructure in the Netherlands was an issue that should be discussed in European meetings. Although the European legislation on trans-European networks had no direct formal meaning whatsoever in Dutch decision-making on the construction of the high-speed railways, it was apparently quite natural for the national ministry representatives to participate in the meetings, such as those of the network committee, that were organised by the Commission on the progress of projects such as *HSL-zuid*. The involvement of the Commission in infrastructural planning was accepted by the member states in view of the larger policy framework and the mixture of policy instruments and processes to which the concept of trans-European networks related.

The Commission itself was entrusted with limited powers to operate in this field and in a way sought to maximise its role as facilitator of the exchange of information amongst the key players in the construction of railway infrastructure. Not only were its powers limited, but also its expertise in the field of infrastructure. The Commission depended heavily on the national transport ministries for expertise and data on infrastructural planning and drew upon the expertise of railway companies and builders of rail infrastructure to tackle technical issues. This expertise was needed for drawing up the regulations on technical interoperability which provided the necessary framework for the liberalisation of transport markets. The liberalisation of rail transport, in turn, created opportunities for calling in private investment. The link between infrastructural planning and deregulation extended

the range of community action that could draw on more powerful legal instruments within the context of the common transport policy, namely directives.

For the realisation of a high-speed rail network, as part of the trans-European networks, a range of different policy processes and decision-making were linked to each other. The exchange of information on the progress of the realisation of the priority projects linked the various policy processes to each other and brought four policy sub-arenas into one policy arena in the case of the high-speed railway network. The three debates which brought the infrastructural issue into the European policies provided the concept of trans-European networks with the rich source of inspiration that was needed to appeal to various parts of the policy process and decision-making on infrastructure.

The network metaphor is apparently suitable for spatial concepts in the context of European policies. The concept of Natura 2000 also concerns a network, i.e. of protected nature areas. The ESDP incorporates the concept of the polycentric urban network to identify the urban pattern of Europe. So far this had had no links to actual policy processes, so it could not be analysed as an appealing spatial concept that contributed to the establishment of a policy arena. The case of the North-East of England showed that such a concept of a European urban network could potentially fulfil a role in policy processes and decision-making and suit the need for a more sophisticated spatial perspective on the European tier. The case showed that in order to be useful for the allocation of structural funds, it was necessary to conceptualise the urban developments in the context of the single European market and its links to specific regional and local urban characteristics. The concept of Natura 2000 was closely linked to the scientific discourse on ecological networks. The concept was used by the experts involved in the first stage of the implementation of the European nature conservation policy, which concerned the selection of sites for ecological networks. In the process surrounding the implementation of the European directives on the local and regional tier in North Rhine-Westphalia, the concept of the European ecological network competed with the similar concept of *Natur 2000* for creating an ecological network in North Rhine-Westphalia. Yet, the main focus of the policy process was not the debate on what constituted the thrust of either of these concepts, but on the reliability of data on key ecological resources in relation to the legal consequences of the European nature protection directives for existing and future land-use.

#### *Building a common knowledge base*

When spatial aspects are brought to the core of policy processes and decision-making by building a common knowledge base, knowledge clearly plays a crucial role as a resource. The case of creating the Natura 2000 network of protected nature areas showed that building a common knowledge base on the key ecological resources did indeed require the mobilisation of knowledge in terms of basic data and actual electronic databases as well as categorisations and definitions.

The need for this knowledge was reflected in the composition of the policy arena which brought together many experts with a scientific background. Most of the

government officials and representatives from nature conservation organisations that were involved in the policy process were also experts in biology, ecology or landscape planning. The experts that were working on nature protection in various parts of the government welcomed, in the end, any reinforcement of nature protection policy – even in North Rhine-Westphalia, where the European priorities turned out to differ considerably from the existing policies.

The proper implementation of the new nature protection directives required this knowledge to be available for joint use at the European tier, specifically in the European Topic Centre for Nature Conservation. National and regional scientific institutes were explicitly commissioned to participate in this process at European level. Besides the formal network of institutes that was created for European environmental policy, the informal contacts between these experts formed an important basis for building the common knowledge base on Europe's nature.

The possibility of formal enforcement of the European nature protection aims, which could be employed by anyone on the basis of the European bird directive and habitat directive, induced the various land-users and land-owners to participate. Although they did not necessarily oppose nature protection, they were worried about the uncertain legal consequences for land-use on sites that might be designated as part of Natura 2000. In order to participate in the policy process during the selection and designation of certain sites, they also needed to discuss data on key ecological resources and to hire experts to question the actual key ecological resources found on sites. In an attempt to avoid the designation of certain sites with unknown consequences, the reliability of the data on key ecological resources were questioned. Additional inventories undertaken by private parties or by the government of the Land provided new data.

Thus, the participation of land-owners and land-users in the policy process was also geared to building a common knowledge base on the European network of nature areas. Together with the scientists, independent experts, hired consultants and representatives from various parts of government and European officials, they helped to redefine the main nature areas of Europe. This joint definition of the network of nature areas relied on the common knowledge base of known key ecological resources. The procedural requirements for nature protection that were laid down in the European directives depended on this common knowledge base for decision-making on future developments that could affect the ecological requirements of the natural habitats in these areas.

Similar efforts for creating a common knowledge base on spatial aspects of an issue at stake obviously plays a role in the other cases. This is reflected in particular in the composition of policy arenas, in which experts on certain issues were actively involved in the policy process. With the incorporation of new fields of action in European policies there was often a lack of expertise in the European institutions, in particular to deal with the issue at stake or to identify and address its spatial aspects. In the case of the trans-European networks, the national transport and infrastructure ministries and the railway companies needed to bring in the necessary expertise on infrastructure and technical issues respectively into the joint policy process on the

trans-national tier. In the cases of structural improvement of the North-East and agri-environmental measures, private consultants and university researchers were hired on the regional tier to build a shared understanding of the spatial developments in the area in the context of the dynamics of the single European market and European policy aims. These efforts for building a common knowledge base in the other cases obviously helped to bring spatial aspects to the core of the policy process and decision-making, but we found that it was not the dominant planning mechanism that contributed to the establishment of the policy arena we found.

*Linking to locally vested policy arena around shared spatial perspective*

European policies that link to an existing locally-vested policy arena depend on a local constellation of parties, their organisation and their aims for an adequate implementation of measures. In the case of the European agri-environmental measures in France, a range of measures was developed by the French agricultural ministry which could be straightforwardly applied nationwide. In these measures it was the ministry that determined to a large extent the requirements for new agricultural practices e.g. by granting a subsidy for an indigenous species of cattle with a maximum number of cows per hectare. Yet, even the formulation of many of these national measures was the result of experimental local approaches in previous periods. Moreover, as part of the national set of measures, there was one undefined category of local programmes that actively sought to rely on local experience again. The definition of 'good agricultural practice', which is the new aim of the common agricultural policy, clearly requires insight into local environmental conditions and agricultural practice.

The application of these local programmes most fully depended on an existing, locally-vested policy arena around a local spatial perspective that included land-use and landscape, agricultural practice and environmental conditions. The French regional nature parks are an example of such an existing policy arena, formally established on the basis of a spatial perspective for the area specified the plan for the park. The zoning based on landscape characteristics in this local spatial perspective offered a useful basis for setting up a local programme for agri-environmental measures. The case study of the Ballons des Vosges showed that setting up a local programme for agri-environmental measures was not undertaken unilaterally with a view to the aims of the regional nature park, or to finding practical ways to realise these aims. The application of the agri-environmental measures was beneficial to the regional nature park as such, as the development of a local programme contributed to a further elaboration of its spatial perspective. The application of agri-environmental measures was indeed actively promoted by the park and its professional staff, but could not cope on its own. Setting up a local programme with detailed specifications for agricultural practice required input or expertise from the farmers union, the *chambre d'agriculture*, agencies and decentralised services of the agricultural ministry. Additional research was undertaken by university consultants. Furthermore, the co-funding of the local programme needed to come from the



regions or the *départements*. These parties were already formally associated with the regional nature park as such.

Setting up a local programme depended firstly on participation by the individual farmers, as the agri-environmental measures were voluntary. This is where the significance of the regional nature park was most apparent. The formal organisation of the park as a form of joint local government in association with locally operating organisations offered a platform that was essentially accessible to local initiatives and individual stakeholders. The federation of the regional parks in Paris actively promoted the application of the agri-environmental measures and offered lobby opportunities to influence their continuation and renewed set-up for on the European tier as well as the national set of measures. Above all, the regional nature park provided a trustworthy basis for individual farmers to participate in a process to change current agricultural practice. The aims of the agri-environmental measures were to improve local environmental conditions, landscape and nature. This implied a long-term perspective on changed agricultural practice. By changing their agricultural practice for a five-year period, individual farmers also undertook not to develop other, e.g. more intensive forms of production despite uncertainties about the long-term continuation of agri-environmental measures. The zoning in the park plan also provided a first basis to invite farmers in certain areas to participate in the preparation of a local programme. With its organisation, its contacts with both local communities and other relevant agencies, organisations and governments, the regional park was actually facilitating the joint preparation of a local programme for the European agri-environmental measures.

The link of European policies to existing policy arenas can also be recognised in the other cases analysed in this research. However, the other case studies show how the use of planning ultimately brought spatial aspects to the core of the policy process and decision-making in ways that changed these existing policy arenas to such a degree that clearly a new policy arena was being established. The transnational policy arena that we found around the concept of trans-European networks in the case study on the high-speed railway clearly incorporated the existing multi-lateral process of preparing plans for PBKAL (Paris-Brussels-Cologne-Amsterdam-London railway) as part of a high-speed rail network. It was the concept of trans-European networks that created a significantly widened policy arena. In the case of structural improvement of the North-East of England, we found that a new round of European structural funding created a policy arena based on the regional partnership that incorporated a variety of existing local and regional partnerships. Interlinking these existing partnerships around the structural improvement of the region was not recognised in the analysis as the dominant planning mechanism, as the larger policy arena was eventually established in a series of negotiations.

*Planning helps create policy arenas for European spatial policy-making*

The answer to the question of how planning brings spatial aspects to the core of European policy processes and decision-making is found in the contribution of planning to the establishment of policy arenas around European spatial development

issues. In order to fully understand the role of planning in emerging European spatial policy-making, we shall reflect on the underlying aspects of the concept of the policy arena that was used as the unit of analysis for four case studies.

The essential characteristic of the process of European integration that we are analysing is the involvement of various tiers of government in policy processes and decision-making. Looking at the composition of the policy arenas we clearly found in the cases that this is not just a matter of European Union institutions that form an additional tier of government for spatial policy-making. Instead we found that planning was used to relate to various tiers of government whose representatives became involved in processes of joint policy-making. In the case of the European structural funds, we found that representatives from the European Commission were directly negotiating with public and private regional representatives on the structural improvement of the North-East of England. In France we found that locally operating parties were committed in an existing form of regional co-operation to the implementation of European agri-environmental measures. In the case of the realisation of the Natura 2000 network of protected nature areas we found that representatives from the whole range of government tiers participated alternately in joint policy-making, from local land-owners up to the newly established European expert centre and European Commission representatives. The emergence of joint policy-making in a transnational policy arena around trans-European networks was illustrated most clearly by the emergence of new lobby organisations at European level, which had previously concentrated their efforts on national central government or in the international arena.

The composition of the policy arenas in all cases also shows that the use of planning leads to the involvement of a variety of private parties, social organisations and lobby organisations in European policy-making. The diversity in the composition of a policy arena is supported by the diversity of the resources that the actors involved have at their disposal and their basic perceptions of the issue at stake. Whereas the analysis of the cases revealed that the public parties could draw on various policy instruments, such as the enforcement of legislation or financial incentives, the type of instruments that were actually used was determined by the basic institutional set-up of the European policy domain. The realisation of Natura 2000 drew on the enforcement of legislation, which fitted in with the set-up of the European environmental policy while the structural improvement of regions drew on the funding instruments which were typical for the European regional policy. With the involvement of various non-public parties, such as private companies, social organisations, scientific institutes, or lobby organisations, it was often another type of resource to which planning also related for joint policy-making, i.e. specific expertise on the issue at stake.

In all cases, a need emerged to mobilise technical expertise, specific data, or the expertise to identify the spatial development pattern in the context of European policy-making. The use of planning in European policy-making showed that certain expertise was lacking, in particular on the European tier. The case of Natura 2000 showed that this need for expert knowledge and specific data was the very planning

mechanism that called for the setting up of a network of scientific institutes for European policy and for the participation of independent experts in meetings at European level. In the cases of agri-environmental measures in France and structural funds in the North-East of England, local expertise was needed to refine European policy aims such as 'good agricultural practice' and the strategic aims for structural improvement of an old industrial region respectively. In the case of the trans-European networks, technical expertise was hired from railway companies to further develop European legislation which formed the regulatory framework needed for private investment in European infrastructural development.

This discussion of the need for expertise as a resource that is available only to specific parties brings us to the second dimension of the policy arena, which concerns the *selections* made in policy processes, and the *identification* of the spatial aspects of the issue at stake. Two underlying concepts of our definition of this dimension of a policy arena were mutual dependency and power. Our starting point for formulating the dimensions of the composition and selections for a policy arena was based on Klijn, who defines mechanisms of access to and exclusion from a policy arena in terms of 'arena rules' (Klijn, 1996, p. 65). Instead of focusing on explicit and implicit 'rules' governing the involvement of certain parties in the policy process around an issue, we were able to relate the need for certain resources for dealing with the issue to the selection of parties that were able to gain access to the policy arena. In our analysis the involvement of a party in a policy arena is closely related to the resources that this party brought along for identifying the issue as a spatial development issue.

The cases show how the use of planning brings the spatial aspects of an issue to the core of the policy process and decision-making, how it makes it possible for a range of parties to participate and bring their perceptions and their expertise into the policy process. The need for specific forms of expertise or expert knowledge clearly reflects the dependency of the various parties on each others' resources. The case-studies offer many examples that without the contribution from local or regional authorities, or from private parties, neither the European Commission nor the member states' central government were able to deal with certain issues that needed to be addressed in the context of European integration, or even to employ their formal resources, such as policy instruments. The case of the trans-European networks e.g. showed that the European institutions had little expertise in infrastructural planning. The expertise was needed of the member states' transport ministries, who were thereby effectively able to secure the national priorities for infrastructural development. The Commission, on the other hand, could draw on its formal resources, namely a modest amount of funding, to mobilise not only this national expertise but also national competencies in infrastructural planning. The Commission also used funding and its competency for preparing new legislation for the transport sector to mobilise technical expertise from railway companies by setting up ad hoc working parties.

In the other cases similar interdependencies for resources were found between the various actors that participated in a policy arena around a European spatial

development issue. Although reciprocally dependent on each other for resources, some actors had more resources than others. This inequality meant that some actors could wield power over others. Underlying our analysis of policy arenas, we defined power as the ability of one actor to contribute more than other actors to identifying and to determining ways to deal with a spatial development issue.

In our analysis of the cases, we did indeed come across dominant parties in a policy arena, e.g. in the case of the allocation of European structural funds in the North-East of England. We have not analysed the extent to which one specific actor is able to impose his desires upon others according to more classical notions of power exercised by agents (Kuypers, 1973, and Lukes, 1974, in: Peters, 1999, p. 17 and p. 61). It is not that these forms of power did not occur in the cases we have been analysing. On the contrary, they did. Take, for example, the regional partnership in the North-East of England. Here we saw that representatives of the Commission were clearly influencing the set-up by overruling central government intentions to avoid involvement by elected local councillors. It was on the basis of the regulations for the structural funds that the Commission used its formal competencies to act in this manner. In the end, neither the Commission nor the 'big players', such as local authorities or development agencies, were able to dominate the regional strategy in the North-East for the allocation of the structural funds entirely alone. All the cases show in a similar way how dominant parties still depended on the contribution of others to attain their own aims for the issue.

In our analysis of cases in which policy arenas are established around European spatial development issues, we have understood power in a Giddensian sense as a persistent factor in social interactions, which is rooted in the mutual dependency of various actors for their resources. This mutual dependency may be unequal, i.e. there may be asymmetric power relations, but it still underpins a shared understanding for the need for collective action<sup>202</sup> (Giddens, 1984, pp.14-16). Mutual dependencies and inequalities in the distribution of resources did not act as constraints, but called for the use – in these cases – of forms of planning to exercise power in order to develop ways of working for European policy-making. Our analysis of policy arenas shows how planning was used to empower a mixed group of parties by developing a joint perception on spatial aspects of the issue in which collective action could be grounded. We can join Goverde in this respect, who recognises that planning provides the creative capacity that is needed for a reorientation or redistribution of resources (Goverde, 1987, p. 430). The cases support the idea that the exercise of power by actors in the use of planning needs to be seen positively, with a focus on what Peters calls the 'creative' or 'productive' aspects<sup>203</sup> (Peters, 1999). In the case of the allocation of structural funds in the North-East of England we found that such a reorientation was needed to determine a development strategy

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202 Giddens speaks of: 'power within social systems which enjoy some continuity over time and space presumes regularized relations of autonomy and dependence between actors or collectivities in contexts of social interaction' (Giddens, 1984, p. 16).

203 Creative refers to bringing something forth, not to being imaginative or inventive.

for the region in the context of the single European market, something that was also acknowledged by the 'big players' who allowed the involvement of less resourceful locally operating organisations. Another example is set by the case of the agri-environmental measures in France. The national set of measures for 'good agricultural practice' might have been determined entirely by central government. But any notion of the requirements for adapted farming practice in central government was the result of locally initiated experiments in previous periods. The *opérations locales* again left plenty of scope for new locally initiated approaches, as in the regional nature parks. Although the ministry of agriculture participated locally through its decentralised services offering a part of the necessary expertise and the regional governments needed to provide the necessary co-funding, the role of regional nature parks was sufficiently valued by all parties to fulfil an initiating role on the basis of limited resources.

In all cases, planning was used for the reorientation of resources in day-to-day policy processes and in decision-making on issues in the context of European integration. In order to analyse this, we defined the nature of *interactions and exchanges* as the third dimension of the policy arena. Characteristic of the complex interplay between European policies and member states' spatial policy systems was that distinct *modi operandi* were found for dealing with spatial development issues in the context of European integration. Each case shows that a working procedure had developed that apparently proved viable for European policy-making. These working procedures were linked to one or more European policy instruments, but also drew on resources from other public and private parties. The use of planning brought the spatial aspects of the issue to the core of policy processes, which then triggered interaction between the various parties involved. In our analysis we did not reconstruct the exact formal and informal rules that determined these day-to-day policy processes, as can be achieved by using 'interaction rules' or 'rules of the game' (Klijn, 1996, van Tatenhove *et al* 2000). Instead, our analysis focused on how the spatial aspects of the issue played a role in the policy process and in actual decision-making.

Interestingly, all case-studies show how planning was used for European policy-making even though this was never done with the explicit aim of making a European spatial plan or starting with a form of European spatial policy-making. The analysis of the interactions and exchanges in the cases shows how the spatial aspects of the issue were brought to the core of the actual policy process and decision-making. This finally helped us to understand how planning was used for European policy-making. If we look for example again at the case of Natura 2000, our analysis shows how the creation of a common knowledge base on key ecological resources was used to define the areas that belong to the European ecological network of nature areas and why. This new stock of ecological knowledge and data needs to be taken into account in day-to-day decision-making on spatial developments in these areas, and will thereby redefine perceptions of these areas as a whole. Another example is the allocation of structural funds in the North-East of England. The preferences for spatial development were not just the result of the availability of

funding for certain projects, however important it may have been. In the end it was the necessity to define priorities for structural development that helped to build some measure of mutual understanding of the needs of the region and a regional development strategy. In the case of the trans-European networks, the analysis started with a comprehensive spatial concept with a seemingly obvious relevance for decision-making on infrastructure, but proceeded to reveal close links between the actual policy process and regulatory arrangements for the liberalisation of transport markets as a precondition for new infrastructural development.

Analysis of European policy-making by taking into account the three dimensions of policy arenas shows how planning helps to create these policy arenas by bringing parties together around jointly defined spatial development issues and by getting actual interactions and exchanges going for some form of collective action. This is how planning was used to focus on spatial aspects of an issue that needed to be tackled in the context of European integration. Planning relies strongly on the cognitive domain of policy process, which is reflected in indicators, definitions and categorisations of issues that are addressed, in partial or comprehensive spatial perspectives that are developed or emphasised and expertise that is brought into policy processes. Below, we will further explore why planning apparently is such a useful device for European policy-making, and how it helps the process of European integration.

#### **9.4 Reflection on the analytical concept of policy arena**

Above we dealt with the question of the spatial dimension of European integration and the use of planning to turn the focus on the spatial aspects of an issue in European policy processes and decision-making. We shall now address the more fundamental issue of why planning is used for European policy-making. We know now that the spatial dimension of European integration is often linked to the realisation and the proper functioning of the single European market. Though this implies that the spatial aspects of most issues which need to be addressed in the context of European integration are also somehow related to the establishment and operations of the single European market, it is not always the case. We have seen that the spatial concept of Natura 2000 addressed nature protection in the context of European integration without any link to the single European market. European Union involvement in realising this network of protected nature areas throughout its territory was the result of a scientific ecological perspective on nature protection and formal international obligations.

We also know much more about how the use of planning contributes to the establishment of policy arenas. Planning is not just used to identify spatial development issues; it also enables a variety of parties to deal jointly with these issues and hence facilitates further progress in European integration. This brings us to the core of this study, namely the role of planning in discovering the locus of European integration. In Chapter 3 we defined this role in terms of capacity-building

for European governance on spatial development issues. In this concluding section, we shall try to make concrete how planning contributes to this capacity-building. Before we come to that, we need to look back at the concept of policy arenas, which we used for analysing the cases, and its underlying theoretical notions to determine what kind of conclusions can be drawn from this research.

*Analytical concept of policy arena versus real world policy arenas*

For our case-studies we have used a conceptualisation of policy arenas in order to describe and analyse developments in European policy-making. The concept of policy arenas did indeed prove its usefulness for coming to grips with new and changing settings for policy processes and decision-making in the complex context of informal and formal-institutional developments that are typical for European policies.

The assumption behind our concept of policy arenas that is used was that we – following Ostrom – needed to look for ‘action arenas’. With our analysis of policy arenas we seem to have been successful indeed to focus on those situations in which spatial development issues are actually being identified and addressed by a diversity of parties. The concept of policy arenas we used, called for analysing the interactions these parties are engaged in and the way in which they find common ground for some form of collective action. Above all, our analysis could be focused on which were the settings – in the context of the process of European integration – in which spatial development issues were identified and addressed.

The policy arenas as they were described and analysed in the case studies represent empirical entities in the real world. The analytical distinctions we made in our concept of policy arenas of the dimensions of *composition*, *selection and identity*, and *interactions and exchanges* inevitably have consequences for which part of this empirical reality is shown. But the policy arenas as we found them in our analysis of the cases were determined more by the spatial development issues we focused on, than by the analytical distinctions in our concept of policy arenas. This means that if there would have been reason to investigate policy processes around other issues, we most certainly would have found other policy arenas.

*Limited insight in the durability or institutionalisation of policy arenas*

The concept of policy arenas as we have used it for our research was predominantly aimed at gaining insight in various ways in which policy arenas are established around spatial development issues in the context of European integration. With hindsight it becomes clear that with our concept of policy arenas we have built up a limited insight in durability of the policy arenas we described and analysed in the case-studies. All case-studies have analysed policy process covering a period of some ten years time. In all cases we have described and analysed policy arenas that have been established and continued to exist in that particular form for at least five, six years.

In some cases a policy arena was analysed that is a onetime occurrence. This is that case with the part of the policy arenas around Natura 2000 in which the

selection of the so-called special protection areas is undertaken. In other cases, the policy arena that was described and analysed can be seen as representation of a more continuous development, such as the policy arenas around structural improvement of the North-East of England. A next period of eligibility for the European structural funds will probably mean a similar regional partnership and programme, and thus a continuation of a policy arena similar to what was described and analysed in this study.

With our analytical concept of policy arenas we did analyse European and national policy processes in relation to their changing formal-institutional context. Yet, our analysis provides too little ground for conclusions on whether the policy arenas we found in the cases are durable or can even be considered as a step in a formalisation or institutionalisation of emerging European spatial policy-making. It must be said here that understanding of possible formal-institutional onsets for European spatial policy-making never was the intention of our research. Would this have been our aim, then the conceptual model of policy arenas should have distinguished formal and informal arena rules and interaction rules analytically in much more explicit way.

#### *Possible refinements of the dimensions of policy arenas*

Next to the limited insight in durability of policy arenas, we shall try to identify more elements of the concept of policy arenas we used for our analysis that can be refined. We will do so by looking at the three dimensions we distinguished analytically. In all cases the dimension of *selection and identification* has been an important element in our conceptual model of policy arenas, as our principal focus in the case-studies was on understanding the way in which spatial aspects of certain issues had become the pivot of policy process and decision-making. The selection of parties involved in addressing issues in the context of European policy-making and that what these parties identify as spatial development issue served as an important benchmark for further analysis of each of the cases. There is, therefore, ample reason to refine this dimension which would offer a more sophisticated understanding of this part of the process in which a policy arena is established around an issue. It must be noted, however, that the level of sophistication depends on the scope of the research.

The dimension of *composition* in the conceptual model of policy arenas can be refined in the same fashion. In our analysis, we have maintained a primary interest in the vertical layers within the policy processes we have been analysing, and the principle variety of public and private parties involved. Further refinement is possible to the level of the individual actors, e.g. focusing on their particular position of post in an agency or on the position. In our case-studies we did pay due attention to the background of each of the participating parties in terms of their formal resources for policy-making and their knowledge and expertise. Further refinement of the conceptual model seems to be a promising path for analysis of spatial policy-making, e.g. by distinguishing various types of knowledge (both for formal, disciplinary knowledge and informal knowledge) or in terms of normative positions or 'frames' of the actors involved.



Also on account of the dimension of *interactions and exchanges* of ideas for further refinement can be brought forward, even if only to distinguish the patterns of interactions separately from the nature of exchanges. For our research, this dimension was mainly used to find out what it is finally about in these policy arenas, what such a variety of parties are actually undertaking collectively. Where the tradition of policy network analysis mainly focuses on patterns of interactions (interaction rules), there is much to be gained from a planning-theoretical point of view in the 'content' of these interactions. The nature of exchanges could be understood better by pre-supposing a typology of exchanges with a view to resources of parties involved (such as policy instruments, financial resources) or with a view to the issue at stake (knowledge and data).

*Propositions on policy arenas and the virtues of planning*

After we made the selection of four casus for further analysis we formulated propositions on the variation of policy arenas we expected to find (see figure 4.2). These propositions were based on the insights of our first analysis of emerging European spatial policy-making. These propositions have helped to focus our case-studies on the variety in multi-level governance that can be found in various fields of European policy-making. The dimension of *composition* in the concept of policy arenas offers the first insight in this variety in multi-level governance in the cases. This focus on this dimension shows what are the government tiers to which the actors (both public and private and other) that are involved in the policy arena are related to in the first place. The analysis of the other dimensions that were distinguished in the concept of policy arenas gave further insight in how policy process and decision-making that are predominantly respectively related to these government tiers are actually interlinked. The propositions that were formulated in advance were indeed confirmed by the outcomes of the actual case-studies. Besides the variety in multi-level governance we found in policy-arenas around European spatial development issues in the cases we analysed, it seems inevitable that a larger variety in multi-level governance can be found around other issues in the context of European integration.

For the selection of the cases we were led by the virtues of planning for European policy-making that we defined as part of our theoretical framework. On the basis of planning theory we distinguished four ideal-typical planning mechanisms, which we used to select the cases in which we expected to find a maximum difference in the way in which planning is used. As we have seen in the previous sections of this chapter, the case-studies show that although one planning mechanism may prove to be the dominant a mixture of planning mechanisms was used in reality. Further refinement of these planning mechanisms could prove viable to gain better insight in the ways in which the focus of policy processes is turned on spatial aspects of an issue at stake. For the cases that were included in this research, no further insight is expected in European policy-making on spatial development issues from such a refinement.

As the analysis of the cases was aimed at the contribution of planning to the

establishment of policy arenas, also further conclusions need to be limited to the contribution of planning to policy-making even if this is viewed in the context of European integration. This means that this research cannot substantiate any conclusions on the need for European spatial policy or for a comprehensive European spatial perspective, neither with regard to the content of spatial development issues that are addressed, nor in terms of democratic legitimacy of such a policy or perspective. We have, after all, defined the contribution of planning to policy-making merely in terms of its contribution to on-going interactions on issues with a view to collective action to deal with that issue. We have defined this role of planning more precisely in terms of its contribution to building the capacity that is needed for policy-processes that are an example of multi-level governance to deal with issues in the context of European integration. In the last section of this book (9.5) we will therefore formulate conclusions on the contribution of planning to European policy-making, by focusing on the way in which a 'spatial deliberation' is made on spatial aspects of an issue. First, we shall examine the deliberations to bring the spatial aspects of an issue to the core of policy processes and decision-making. Second, we shall use insights of the principle of subsidiarity to understand how these spatial deliberations refer to various spatial scales. On this basis we shall further investigate the nature of multi-level governance and the role of planning. The book will be concluded with a discussion of the role of planning in the process of European integration.

## **9.5 Capacity-building for European governance**

When we started off with our case-studies, we considered European spatial policy-making as an example of multi-level governance, as conceptualised by Marks and critically reviewed and redefined by others (Marks, 1993, 1996; Peters, 2001; Jachtenfuchs, 2001; Jordan, 2001). Multi-level governance was defined as a 'vertical layering of governance processes' and as 'relationships between governance processes at different levels' (Peters, 2001, p. 133). In the case studies on emerging European spatial policy-making we did indeed find policy arenas that consist of actors from various government tiers – both public and private – who are jointly engaged with actors from other tiers in identifying and dealing with European spatial development issues. Instead of more or less separate policy processes and decisions in which one tier of government merely takes account (or not) of another (usually higher) tier, European spatial development issues identified and addressed in joint policy processes and decision-making in which representatives from various government tiers participate.

We furthermore supposed that planning contributed to the capacity-building that was needed for this multi-level governance of certain issues. We can now try to refine this notion of multi-level governance by going deeper into this role of planning. If we were right in this respect, then we should be able to construe what the nature of multi-level governance is on the basis of the empirical evidence of our case-studies.

*Spatial deliberations in European spatial policy-making*

On the basis of our analysis of the four cases, we can understand that this linkage of various levels in policy processes and decision-making about an issue is possible because a 'spatial deliberation' is made. A spatial deliberation is the general line of argumentation that is followed in actual decision-making in specific situations with a focus on the spatial aspects of an issue, which makes it possible for various parties to decide on some form of collective action. Understanding how this spatial deliberation works, helps us understand the nature of multi-level governance and the contribution of planning to policy processes and decision-making in multi-level governance.

In each of the cases, such a spatial deliberation can be found. Take, for example, the issue of unbalanced social and economic development in the European Union, which is considered necessary for taking full advantage of the single European market and for counterbalancing its negative impact on certain regions. We found that this issue was addressed as a spatial development issue which aimed to structurally improve regions. On the basis of our analysis of the case of the allocation of European structural funds in the North-East of England, we can now say that the spatial deliberation for dealing with this issue is that (re-) developing business sites in a small selection of strategic development areas helps to create opportunities for a more skilled workforce and hence a more competitive region in the European context (see Box 9.1, Column 3). Likewise, we found that for the creation of trans-European networks a spatial deliberation was made for the broad aims of economic growth and employment, as well as for promoting environmentally-friendly modes of transport. By pushing certain projects, 'missing links' need to be solved and multi-modal networks must be created to further the liberalisation of transport markets and thus increase private investment in infrastructure. For dealing with nature protection that can be seen as a part of enhancing the quality of rural areas, the designation of sites with key ecological resources (species, habitats) was the key to creating a network of protected nature areas. Lastly, to achieve the aim to decrease production and introduce 'good agricultural practice', changes in farming practice were linked to area-specific criteria for improving landscape and environmental conditions.

The use of planning, as investigated in this study, brings a spatial deliberation to the core of the policy process. This spatial deliberation makes it possible to arrive at a ratio for the scope of the involvement of each of the parties in the various levels in the policy process and decision-making on spatial development issues. This ratio for joint policy-making bears a strong resemblance to a principle for defining the set-up of European policies that was introduced in the 1992 Maastricht Treaty, the principle of subsidiarity<sup>204</sup>. The principle of subsidiarity rules that joint, European policy-making needs to be undertaken for dealing with those issues the member states cannot deal with each on their own. Furthermore, a preamble to the Maastricht Treaty further states that if the responsibilities over an issue are transferred to the

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204 Art. 5 TEC (previously Art. 3B TEC).

European tier, it needs to be arranged in such a way that decisions need to be taken as closely as possible to European citizens, i.e. on the lowest possible government tier<sup>205</sup>. Although the principle of subsidiarity seeks to limit the responsibilities carried over from the member states national tier to the European tier, the principle has since been applied to most European policies and measures (new and existing) in the period covered by this study. It therefore might help us to understand the nature of European multi-level governance.

In the provisions on subsidiarity, the Treaty states that such common action is undertaken “only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the member states and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community”<sup>206</sup>. The principle implies that a certain division of competencies between the European Union and its member states needs to be arranged, and adds that the scope of this common action (i.e. at the European tier) somehow needs to relate to the nature of the issue at stake (Buunk, 1996; Buunk, 2002). The Treaty states rather formally: “Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty”<sup>207</sup>. In general terms this means that any government intervention, action or decision needs to be proportional to the nature of the issue at stake. This is called the principle of ‘proportionality’ (Kapteyn, 1995, pp. 94-97). In other words, the scope of a spatial deliberation on an issue at one government tier needs to be proportional to the nature of the issue. Determining what is a proportional contribution of one government tier to joint decision-making with other government tiers can be seen as one of the major challenges to European policy-making since the Maastricht Treaty. In this study we have seen that in certain European policy fields, planning has apparently been helpful in determining that in day-to-day policy processes and decision-making for the implementation of various aims and measures. Planning is used to determine the scope of a spatial deliberation on one government tier in relation to the deliberation on the same issue on other government tiers, as it used to further define proper decision-making in relation to the nature of the issue at stake on each of these tiers.

Planning appears to be most useful in the process of European integration as a means of finding ways to deal with issues in which a certain ratio is found for the contribution to the decision-making on collective action by each of the parties involved at various government tiers. To understand how planning is used to shape these forms of European, multi-level governance we can look more closely at how a spatial deliberation on an issue helps to shape these multi-level forms of European policy process and decision-making.

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205 ‘Resolved to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity’

206 Art. 5 TEC, second section.

207 Art. 5 TEC, third section.

*Understanding the nature of European, multi-level governance*

In our analysis of European spatial policy-making we found that, in the complexity of multi-level policy processes, policy arenas were established around European spatial development issues. Elaborating on our conclusions above on how a spatial deliberation is jointly made on an issue by representatives from various government tiers, we can define multi-level governance more precisely as a sequence of partial spatial deliberations on an issue for joint decision-making for collective action. By bringing deliberations on an issue to the core of policy processes and decision-making, planning contributes to what we have defined above as capacity-building for European, multi-level governance. In the foregoing we argued (see Chapter 3.4) that this is the capacity to deal with issues in the context of European integration which, in the words of Healey, consists of “forging new links and interlinking previous separate networks as well as developing new discourses with which to focus strategy development” (Healey, 1997, p. 170). Various parties that are involved in processes of multi-level governance need to build the capacity to engage in joint policy processes and decision-making, in their search for some form of collective action. They have to find ways to overcome the fact that they operate at different government tiers in which they are often used to referring to different spatial scales. Making a spatial deliberation over an issue at stake, by nature, refers to a certain spatial scale, or to certain spatial scales. This reference to a spatial scale in identifying a spatial development issue and by finding ways to deal with it, apparently is what makes joint policy processes and decision-making possible by representatives from parties on various government tiers.

Returning to the case-studies, we see that the spatial deliberation on the allocation of the structural funds refers to two spatial scales. It refers to the region in order to define a limited number of strategic development areas which would help to make the region competitive within the European territory as a whole (see Box 9.1, Column 4). The spatial deliberation on trans-European networks refers to the spatial scale of the European Union territory and beyond, by defining priorities for infrastructural projects to create complete European networks. Remarkable differences in the spatial scale of the spatial deliberations arose in the cases on the improvement of the quality of rural areas. For Natura 2000 this concerns a spatial deliberation that refers to a range of spatial scales. The initial selection of the complete lists of endangered species and habitats that is made on European tier actually referred to maintaining biological diversity on a global spatial scale. The selection of sites for the Natura 2000 network of nature areas essentially referred to the spatial scale of the bio-geographical region, as locally found key ecological resources needed to be measured against the known distribution of key ecological resources within the whole of a bio-geographical region. In the case of agri-environmental measures a spatial deliberation on what constitutes ‘good agricultural practice’ was made which referred to the local spatial scale, as changes in farming practice could only be judged against locally defined environmental conditions and characteristics of the landscape.

Planning thus was not only suitable for turning the focus on the spatial aspects of

1. Conceptualisation of spatial aspects of EU integration it refers to	2. Planning mechanism used	3. Spatial deliberation	4. Dominant spatial scale	5. Tiers of government principally involved
Gross Regional Product (GRP) and employment under EU average defines traditional underdeveloped industrial regions	Negotiating spatial development	Strategic development areas for business sites and locally skilled workforce makes region competitive in single European market	Region and European Union territory	Regional and European tier
Aim for Trans-European networks to take full advantage of single European market and promote employment	Appealing spatial concept	Priorities for projects to increase infrastructure investment for 'missing links' and multi-modal networks for liberalised transport	European Union territory (and beyond)	European and national (central government) tiers
Natura 2000 for creation of an ecological network of nature areas in European	Building common knowledge base	Designation of sites containing specific key ecological resources (species and habitats) to maintain global biodiversity	Bio-geographical region (Atlantic) as part of EU territory (in global context)	Global, European, and local government tiers
Good agricultural practice as an aim for reformed common agricultural policy	Linking to existing locally vested spatial perspective	Changed farming practices for improving landscape and environmental conditions (as well as production decrease)	Local	European and local tier

**Box 9.1** - *Spatial deliberation is linked to spatial scale for multi-level policy-making*

an issue, it also brought in the capacity to deliberate on issues by referring to distinct spatial scales. Public parties will normally refer to the spatial scale that corresponds to their own government tier for decision-making on spatial developments, which probably also counts for private parties or social organisations that are involved in this decision-making and that pre-dominantly operate at the same tier. In the cases analysed in this study, planning contributed to making possible 'proper deliberation' on an issue at each government tier in direct relation to the deliberation on the same issue at other government tiers. If we look at the cases one more time, it becomes clear how this works. In the case of the structural improvement of the North-East of England, the policy arena mostly consisted of regional and local parties. They referred to the spatial scale of the region as a whole when preparing an allocation strategy for the structural funding. It took a real effort for these parties to think and operate by referring to the regional spatial scale, as most of them tended to focus on specific projects in a local setting. The representatives of the European Commission had participated directly in the regional process, but their input could never have defined precisely what needed to be done or the specific projects that needed European funding. Instead, they continuously used the spatial scale of Europe as a whole to mirror the initial lack of choices and priorities for the region in order to make it more competitive in the long-term in the single European market. In the case of the implementation of European agri-environmental measures in the French regional nature park, the ability already existed to define priorities at the level of a local spatial perspective. The European measures required criteria that referred likewise to the local spatial scale.

In the case of trans-European networks things might be said to have worked the other way around. Priorities for infrastructure that referred mostly to the national spatial scale were changed into priorities referring to the spatial scale of the European Union territory as a whole. These priorities were not determined at the European tier, but jointly by representatives of parties from the central government and European tier. These parties had learned to operate at the transnational tier and to refer to a European spatial scale. Lastly, in the case of the Natura 2000 network of nature areas, parties from all government tiers were involved in the policy process. The biggest challenge for nature protection was to translate the aim for the maintenance of global biological diversity into aims and mechanisms for nature protection at European, national regional and local spatial scales. In the end, the 'bio-geographical region' provided the dominant spatial scale, to which parties at local, regional and national level needed to refer. This would prove difficult. Anticipating the consequences of site selection for Natura 2000 in North Rhine-Westphalia, many local parties urged that current land-use be taken into account, thereby initially referring to the local and regional spatial scale. In the end, these aspects of local land-use still needed to be weighed against the protection of key ecological resources which were defined with reference to the Atlantic bio-geographical region as a whole.

Maybe the most remarkable outcome of this analysis is that a spatial deliberation on issues that need to be dealt with in the context of European integration is not just

the ability to deliberate over issues at the spatial scale of the European territory, but also at the regional and local scale, or at more than one spatial scale. The use of planning makes possible a (partial) spatial deliberation on the issue at one government tier that refers to a certain spatial scale which can be related to a (partial) spatial deliberation at another government tier that can also refer to this spatial scale. Ultimately, this leads to a complete deliberation on an issue that can be applied in actual joint decision-making by the range of parties involved.

*Discovering the locus of European integration? A discussion on planning*

With this study into emerging European spatial policy-making we wanted to deal with a particular aspect in the progress of European integration, namely the link between process of European integration and the geographical space in which it takes place. We have defined this as the locus of European integration. With this concept of locus we mean to question whether the process of European integration remains a set of rather foot-loose processes of economic, political, cultural or other forms of integration that is detached from its geographical space, or whether the territory to which it formally relates also becomes an explicit part of the way in which issues are identified and addressed. Making this link between aspects of the integration process (whether economic, political, policy integration or other) and the territory in which these processes take place, means that the spatial dimension of European integration is being identified. Successfully identifying spatial aspects of issues in the context of European integration, which means that these issues can effectively be addressed as well in some form of collective action, is a contribution to European integration as such. Therefore, it was our contention that the locus of European integration is the spatial dimension of European integration and the policy processes in which this spatial dimension is being identified and addressed.

This study indicates that this spatial dimension of European integration is gradually being identified and addressed in the day-to-day processes of policy-making. So far, the spatial dimension of European integration has been identified in fragments, such as in infrastructural networks, or agricultural practice that respects the local landscape the environment, or Europe's typical forms of nature. Europe is gradually being identified politically as a territory to refer to explicitly in policy-making, as well as a geographical space of which certain characteristics are addressed in policies. In this sense, the use of planning has helped in various policy fields to create a platform to deal with specific spatial development issues that, in effect, can be seen as a new step in the process of European integration. We have thus noted that one of the most obvious ways in which planning contributes to European integration is by helping, in various ways, to identify the spatial aspects of issues that need to be addressed in the context of the integration process, and which are subsequently brought to the core of the policy-making process.

This role of planning, which we have broadly defined as the complete repertoire of ways that brings the spatial aspects of an issue to the core of policy processes and decision-making, needs to be looked at more closely. Looking back on the cases of



European spatial policy-making, we note that a spatial deliberation is performed on an issue that refers to a certain spatial scale, which makes it possible for parties at various government tiers to participate in joint decision-making. Such a spatial deliberation shows that planning indeed is an effort towards a 'prior deliberation', as Mastop put it, on actual measures that are taken to intervene in the physical environment (Mastop, 1997, p. 881). The answer to the question of why planning is used for European policy-making, should then be seen as an 'investment' in future decision-making. This enables European countries to deal more effectively and easily with certain issues through a common approach in the formal context of European Union institutions as opposed to e.g. a multi-lateral approach.

This raises the intriguing question of whether this can also be arranged without planning? The answer to this question is a definite yes. For decades European countries have been able to deal with issues on European integration without using planning or identifying European spatial development issues and so on. Various forms of formal legal arrangements for European policy-making have so far provided ways of dealing with most issues that need to be addressed in the context of European integration. The institutions of the European Union, such as the Commission, the European Court of Justice, and expert agencies can be seen in this respect as an 'investment' for policy formation and policy-implementation processes. This formal institutional framework might even prove adequate for dealing with the issue of finding the right ratio of competencies for each of the government tiers involved in the new forms of multi-level governance. In case of uncertainties or conflicts over competencies, the European Court of Justice could be called upon, like the German Bundesverfassungsgericht, to decide in conflicts over competencies between government tiers in the German federal state. This formal working procedure has proved successful for many European policies, but it takes a lot of time and effort. If each contested step in the practical day-to-day policy implementation by the Commission or some member state authority were brought to Court, the Court would be more pushed for time and burdened with work than it is already. As the Court always needs to found its rulings on the Treaty, this would necessitate further definitions of the tasks and responsibilities of European institutions and the member states. The current efforts in the European Convention towards a new fundamental basis for the European Union and its workings show how difficult and lengthy this process of finding the right formal set-up and principals for the European institutions is.

Planning apparently has some other qualities to offer over and above the formal institutional structure for European policies, the institutions and the available instruments, expertise and regulatory arrangements. Furthermore, it is interesting to note that the formal context of European policy-making is not always used for dealing with spatial development issues, even though it seems logical. We can easily think of spatial development issues that are dealt with by several European countries, but for which the 'investment' in institutions and regulatory arrangements of the European Union is not utilised. If we look, for example, at a joint approach to river management and flood prevention in European rivers, we can

see international commissions for the river Rhine<sup>208</sup> amongst others. Strangely enough, there are hardly any ‘investment’ policy approaches in the European Union to deal with these aspects of river management, whereas this could have provided a suitable and effective formal context. For such an issue – with so many implications for future spatial developments in and near river basins – the offer of an effective context for joint policy-making at the European tier is not enough.

What then is the advantage of using planning, of bringing the spatial aspects of an issue to the core of the policy process, and of elaborating spatial deliberations that refer to certain spatial scales to which parties at various government tiers can relate in actual processes of joint decision-making? On the basis of this study, the answer to this question can be found in the flexibility that the use of various forms of planning offers for identifying an issue as a spatial development issue to be addressed jointly in the complexity of day-to-day policy-making in the context of European integration. The virtues of planning for European governance are to be found in the ability to conceptualise the spatial dimension of European integration on multiple spatial scales. The fact that a representative of the European Commission and a farmer in North Rhine-Westphalia are able to argue about the need for nature protection in a certain site because they both talk about the same specific set of key ecological resources that can be found in this part of the Atlantic bio-geographical region says it all. Building a common knowledge base of typologies, categorisations and specific data on key ecological resources has fulfilled a prerequisite to make the argument of the clash of interests possible.

Planning contributes to what various authors refer to as the ‘reflexivity’ that is found in and needed for contemporary forms of governance (Hajer, 1995; Healey, 1997; van Tatenhove *et al.*, 2000; Wissink, 2000). In abstract terms reflexivity can be understood as “a quality of discursive practices that illuminates the effects of certain social and cognitive systems of classification and categorization on our perception of reality” (Hajer, 1995, p. 280). In more practical terms, according to Healey, planning can be seen as part of these ‘discursive practices’ as it helps “people learn about each other, about different points of view and come to reflect their point of view” and to build up a ‘store of mutual understanding’ that lays a basis “which can be drawn upon when dealing with subsequent issues” and helps to build up “an institutional capacity to collaborate and to co-ordinate” in which spatial developments ‘can be collectively addressed’ (Healey, 1997, p. 33). In the example of North Rhine-

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208 The background for this example is recent floods in central Europe and the threat of large-scale flooding of the Dutch part of the Rhine Delta in 1993 and 1994. Furthermore, there is new ‘framework’ directive for a European water policy (Directive 2000/60/EC establishing a framework for Community action in the field of water policy). This directive may offer a first step to deal with river management in the European Union context, amongst others by requiring the establishment of ‘river basin districts’ with a proper administrative authority and cross-border co-ordination mechanisms (Directive 2000/60/EC, art. 3.). So far, the most substantial aims for this European water policy have been related to the quality of surface water and ground water.

Westphalia, the land-users and land-owners believed that the protection of birds in the *Wiesenschutzprogramm* was the main contribution that needed to be made – mostly by farmers – to nature protection. The assessment of existing ecological resources in North Rhine-Westphalia in view of the Atlantic bio-geographical region reveals, amongst others, that there are unique beech tree forests, mostly privately owned, that have never received much attention in nature protection policy. In order for nature protection in North Rhine-Westphalia to comply with the common aims set at the European tier, new priorities need to be made locally and regionally. Only the assessment of the relevance of such types of nature – otherwise hardly comparable with local standards – in the context of the global protection of biodiversity in the Atlantic bio-geographical region has made the rather complete review of nature protection priorities in North Rhine-Westphalia possible. Planning also fulfils this role of contributing to reflexivity in the other cases. With the concept of trans-European networks it is simply the fact that it depicts the European territory as a whole to judge how well national priorities for new infrastructure contribute to connecting the main lines of infrastructure in Europe. Additionally, the conceptualisation of networks puts this in a perspective of mutually exchangeable transport services, which makes it possible to assess whether each individual part of a network really contributes to a single transport market. Looking at the farmers in the regional nature park of the Ballon des Vosges, we saw that the European aim for ‘good farming practice’ in the light of changing interventions in European markets for agricultural produce called for a renewed definition of the qualities of local landscape and favourable environmental conditions in an otherwise well-defined but rather broad spatial perspective and zoning of the area.

Planning can contribute to the reflexivity that is needed in the complex processes of joint European policy-making between parties from various government tiers, private parties, civil society and individuals. Planning can contribute to the ‘open method of policy-planning’, the flexibility, the transparency and the better use of scientific expertise and practical knowledge of local actors that the White Paper on European Governance calls for (CEC, 2001). Turning the focus on the spatial aspects of an issue, is one way of helping to redefine the issue and placing it in a broader perspective that refers to a specific spatial scale, which makes various parties aware of their own local perspective on the issue vis à vis that of others, also if they operate on other government tiers. On this basis, a joint redefinition of an issue is possible; the issue is identified as a European spatial development issue, which brings various actors in a position to participate in policy-processes and widens the range of deployable resources and instruments. The locus of European integration is made up by the variety of policy processes and specific situations of decision-making, in which European spatial development issues are identified by referring to various spatial scales. The geography of European integration is ambiguous, as it can be defined on different spatial scales and for different purposes. The virtues of planning are found in the contribution to a variety of ways of meeting the challenges of dealing with more and new issues that arise in the progressing process towards European integration.



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## Annex 1

### List of interviewees

- Emiel CARTON, Nederlandse Spoorwegen, Railed  
Utrecht, 7 December 1998
- David CHARLES, University of Newcastle upon Tyne  
Necastle upon Tyne, 18 Februari 1999
- Vicky CUTHBERTSON, Newcastle City Council, European Team  
Newcastle upon Tyne, 4 March 1999
- Richard CLARK, Project North East, grant applicant  
Newcastly upon Tyne, 12 March 1999
- Pat COLLINS, Department of the Environment, Transport and the Regions (DETR)  
London, Regeneration Division. Telephone, 12 May 1999
- Ben DELBAERE, European Centre for Nature Conservation (ECNC)  
Tilburg, 11 June 1999
- Rolf DIETER, Commission of the European Communities, General Directorate for  
Transport (DG VII.A.2), Brussels, 14 December 1998
- Frau DITTRICH, Land Nordrhein-Westfalen/Bezirksregierung Münster,  
Regionalplanung & Wirtschaft, Abt. Naturschutz. Münster, 28 September 1999
- Michelle DUGGAN, Newcastle City Council, European Team  
Newcastle upon Tyne, 17 March 1999
- Doug EVANS, European Topic Centre on Nature Conservation (ETC-NC)/Musée  
National D'Histoire Naturelle (MNHN). Paris, 29-11-1999
- Robin FALLON, Government Office for the North East, European programme  
secretariat. Newcastle upon Tyne, 9 March 1999
- Mark GALLAGHER (& Richard HARDY), European Commission, General-  
Directorate XVI for regional policy, sectio D.3. Brussels, 19 May 1999
- Jean-Marie HENRY, Parc Naturel Régional des Ballons des Vosges, Maison du Parc,  
Munster, 12 December 2000
- William HILL, English Partnerships  
Teamvalley, 12 March 1999
- Dr. D. HINTERLANG & drs. J. RIJPERT, Landesanstalt für Ökologie, Bodenordnung  
und Forsten (LÖBF), Abt. Ökologie, Naturschutz und Landschaftspflege.  
Recklinghausen, 17 December 1999
- Anne HUGAES, Government Office for the North East, European programme  
secretariat. Newcastle upon Tyne, 9 March 1999
- Dr. IKEMEYER, Biologische Station Zwillbrock  
Zwillbrock, 11-11-1999
- Dr. Ursula VON GLISCYNSKI, Bundesministerium für Umwelt, abt. Naturschutz/  
European Habitat Committee. Bonn, 16 September 1999

- Hans KOIER, Ministerie van Verkeer en Waterstaat, Algemene leiding/Directie Strategie en Coördinatie. Den Haag, 1 December 1998
- Gijs KUNEMAN, Stichting Natuur en Milieu/formerly European Federation for Transport & Environment (T&E). Utrecht, 16 December 1998
- Rick LONG, Durham County Council, Planning policy section  
Durham, 22 February, 1999
- Frits MARCKMANN, Nederlandse Spoorwegen, Hogesnelheidstrein Vervoers Exploitatie Maatschappij (HST-VEM). Utrecht, 4 December 1998
- Jamie MCKAY, Government Office for the North East, Planning Unit  
Newcastle upon Tyne, 9 March 1999
- Henk MEELDIIK, Ministerie van Verkeer en Waterstaat, DGG/Directie Vervoerssectoren/Cluster Spoorvervoer. Den Haag, 24 November 1998
- Richard OSSENDORP, Nederlandse Permanente Vertegenwoordiging in Brussel, Transportraad. Brussels, 14 December 1998
- Edward OSIEK, European Habitat Forum /Birdlife International/Vogelbescherming Nederland. Zeist, 10 December 1999
- Ulla PINBORG, European Environmental Agency (EEA) in Copenhagen, Project Manager Nature Conservation & Biodiversity. Telephone, 25 June 1999
- Garry POST, Ministerie van Landbouw, Natuurbeheer en Visserij, Directie Natuurbeheer, afd. Beleidsinstrumenten/lid Habitat Committee.  
Telephone, 23 June 1999 & 15 September 1999
- Kim RIISGAARD, Commission of the European Communities, General-Directorate for Transport (DG VII.A.3), desk-officer for the Netherlands. Brussels. 15 December 1998
- Nicolas ROUGIER, Ministère d'agriculture, Direction de l'espace rurale et de la Forêt. Paris, 1 December 1999
- Dr. SALEVSKI, Landesregierung Nordrhein-Westfalen, Ministerium für Umwelt, Raumordnung und Landwirtschaft, Abt. Naturschutz, Düsseldorf. Telephone, November 1999
- Dominique SALVI, Fédération des Parcs Naturels Régionaux de France  
Paris, 26 November 1999
- Oliver SCHALL, Commission of the European Communities, General Directorate XI for the Environment, Nature protection unit (D.2), desk-officer for Germany. Brussels, 22 September 1999
- Prof.dr. Gerd SCHULTE, Institut für Landschaftsökologie, Westfälische Wilhelms Universität Münster. Münster, 27 September & 01 October 1999
- Sue SINCLAIR, Durham County Council, Planning Policy Section  
Durham, 22 February, 1999
- George SNAITH, Gateshead Metropolitan Borough Council, Executive and Legal and Administrative Service Department.  
Gateshead, 16 March 1999
- Johan THISSEN, Ministerie van Landbouw, Natuurbeheer en Visserij, Informatie-en Kenniscentrum(IKC), afd. Natuurbeheer. Wageningen, 25 October 1999

Frans TIMMERMAN, Ministerie van Volkhuysvesting, Ruimtelijke Ordening en Milieubheer, Rijksplanologische Dienst/Uitvoering en Coördinatie van Beleid/afd. Ruimtelijke Investerings. Den Haag, 23 November 1998

Sally TURNER, Department of the Environment, Transport and the Regions (DETR), Regeneration Division/European Team. London, 18 March 1999

Florus WIJSENBECK, Member of European Parliament (Former Chair Transport and Tourism Commission). Den Haag, 4 January 1999

## Background information for case-study selection

EU/member states ↓	<i>European spatial development issue</i>		
	Structural improvement of regions	European level infrastructure networks	Improvement of quality of rural areas (indicative)
<b>European Union</b>	Procedures for structural funds imply negotiations with memberstates on selection of regions lagging behind European Commission, involvement together with memberstates' representatives in regional partnerships. Efforts for spatial planning as instrument, in particular in border regions and transnational regions	TEN's concept for promoting new infrastructure development. European Union joins in with memberstates priorities and adds co-ordination on infrastructure planning, emphasis on railtransport, energy networks, telecom networks. Also European funding available.	Common agricultural policy has funding for negotiating quality of rural areas (objective 5b/2) as well as income support of maintaining locally defined quality of rural areas. Environmental policy sets norms for soil and water quality and protection of species & habitats; 5st EAP, Natura 2000 and European Environmental Agency (EEA) focus on data and communicative mechanisms
<b>United Kingdom</b>	SRB, EP, Lottery, EZ make funding available in programmes in relation to planning permits for development. Preparation in negotiations with involvement of private actors/developers Selection of economically weak areas less prominent.: Newcastle region	National infrastructure planning, ad hoc project emphasis, large scale privatisations of public transport; general lack of public funding for carrying out new projects and renewals.	Countryside Commission, County Councils RDA's/RDC's; EA's for environmental monitoring; countryside protection: AONB's, SSSI's, ESA's; Rural Strategies
<b>Germany NRW</b>	Selection of economically weak areas. Negotiation on shared funding of (regeneration) projects: KVR vs. Regional Konferenzen vs. ZIN vs. European funding	Länder infrastructure planning Strengthened emphasis. on federal priorities for projects in new Länder.	Nature protection act, 4 types of status; statutory watermanagement; statutory environmental protection: implies professional knowledge management for policy
<b>France</b>	Emphasis on public funding of structural development of all regions. Negotiation on public funding in Contract de Plan with regions and further elaboration in similar contracts: esp. in agglomeration of Lyon, Rennes, Lille, Nancy, Metz.	National planning and building. Partly carried out by national public companies, e.g. TGV network built by SNCF. Basis for HST network in EU.	Chambre d'Agriculture, rural development programme; Protection of nature; DRIRE for environmental monitoring (ORAC): Espace Sensible Naturels and Parcs Naturels Régionaux
<b>The Netherlands</b>	Limited support to one lagging region: the North. Renewed interest for nation-wide structural economic improvement Limited negotiation as allocation ICES-funding is done directly by central government. Emphasis on infrastructure projects and experimental multiple land-use projects.	Renewed interest in funding of large projects additional to infrastructure planning by central government. Spatial concepts in national planning concerning transport and mobility. Privatisation of railway company with public funding. Building of missing rail links for EU HST-network	Comprehensive environmental policy, watermanagement policy, nature protection and new nature 'development' based on national strategic spatial concept Ecologische Hoofdstructuur (EHS) for combination of statutory planning, land acquisition and rural physical development projects (landinrichting). Regional oriented integrated spatial and environmental policy (ROM)

Interview format

Interview preparation

Information sent in advance, in order to give the interviewee a chance to prepare the interview or arrange for further additional documents. Information covers standard explanation of the research as a whole emphasising the focus on spatial planning, and includes short introduction to the aims of the case-study analysis and the reasons for selecting the case-study. Furthermore three sets of short questions:

- General questions concerning the involvement of the organisation or institution in the European policy, the position of the interviewee in the own organisation, and the resources and expertise available within the organisation;
- Specific questions on the course of events and the range of other actors involved;
- Specific questions on the contribution of the own organisation to the policy processes.

In practice, these questions are not followed too strictly, but help guide the interview and serve as a checklist. Additional questions always include suggestions for other interviewees (also to check whether the complete group of key-persons is interviewed so far) and request for documents, reports, forms that are being used, etc. To bring the interview to a close, the interviewee is always asked whether some important issues are forgotten, whether new developments are coming up, whether the interviewee thinks this research is asking the right questions.

Set up of interview report

<i>Data on interviewee</i>	Name
	Organisation
	Date
	Location
<i>Ideas and impressions that come up directly afterwards</i>	Also initial conclusions and ideas that are relevant further steps in the analysis. This helps reflection afterwards on the choices made for empirical research.
<i>Methodological reflection</i>	Impression of the course of the interview, the annotation for the interventions and questions of the researcher. Impressions of the interview and the interviewee in terms of the quality of the information, the comprehensiveness, the extent to which an interviewee has insight in the process as a whole and their own position in it. On request of the interviewee, the tape recorder is sometimes stopped for discussing sensitive aspects of the processes. These situations are always included in this section of the report; also to reflect with hindsight on why certain things are apparently sensitive issues for the actors involved
<i>Transcription</i>	Wordly transcription, both of questions and answers.





## About the author

Willem Buunk (born in Hoog-Keppel, the Netherlands, in 1970) works as a researcher and lecturer within the Department of Urban and Regional Planning of the Faculty of Geography at the University of Utrecht. This book is the result of a PhD-research he has conducted at the University of Nijmegen. He has worked there as a research assistant and junior lecturer at the Department of Spatial Planning in the period 1995-2000, after obtaining his ingenieur degree in rural planning at the Wageningen University. A practical period within the European Commission that was used to analyse the European rural development policies has raised his interest in the process of European integration, its spatial implications and the role of planning in it.

During his stay at the University of Nijmegen and a two-year period with Alterra, research institute for the green environment that is part of the Wageningen University and Research Centre, he has participated in various research projects on European policies. Analysis of European spatial policy-making and the implementation of the European nature protection directives and were among the main topics, e.g. the Study Programme on European Spatial Planning (SPESP). His current research work concentrates on processes of multi-level governance in spatial policy-making in the European Union and its member states. Priorities in this research concern the definition of territory and space in complex processes around nature protection and urban development.



# Nederlandse samenvatting

De locus van Europese integratie. De bijdrage van planning aan Europese beleidsvoering in de gevallen van Trans-Europese Netwerken, Structuurfondsenprogramma's, Natura 2000 en landbouwmilieumaatregelen. Nederlandse samenvatting

Het verregerende proces van Europese integratie heeft geleid tot de vorming van een unieke internationale organisatie die soms zelfs trekjes van een nationale staat vertoont. De samenwerking tussen de Europese lidstaten bestrijkt vele beleids-terreinen, maar een gezamenlijk ruimtelijk beleid behoort daar totnogtoe formeel niet bij. Toch laat een eerste formele analyse van het Europees beleid zien dat er wel degelijk sprake is van Europese ruimtelijke beleidsvoering. Met name als onderdeel van de Europese Gemeenschap, de belangrijkste van de drie pijlers van de Europese Unie, wordt binnen een aantal beleidsterreinen ruimtelijke vraagstukken aangepakt. In deze studie staat deze opkomende Europese ruimtelijke beleidsvoering centraal.

In het eerste deel wordt van het Europese regionaal beleid, het gemeenschappelijk transportbeleid, het Europees milieubeleid en het gemeenschappelijk landbouwbeleid nagegaan welke ruimtelijke vraagstukken geadresseerd worden. Er kan een drietal Europese ruimtelijke ontwikkelingsvraagstukken geïdentificeerd die kenmerkend nauw verweven zijn met het proces van Europese integratie: de structurele verbetering van regio's, het creëren van infrastructuur netwerken die geheel Europa omvatten en het behoud en de verbetering van de kwaliteit van landelijke gebieden. In aansluiting hierop wordt nagegaan hoe in de ruimtelijk beleidsstelsels van vier Europese lidstaten, te weten Frankrijk, het Verenigd Koninkrijk, Duitsland en Nederland met soortgelijke ruimtelijke vraagstukken wordt omgegaan. Deze ruimtelijk beleidsstelsels zijn onderling zeer verschillend en kennen dan ook elk zo hun eigen manier om dergelijke ruimtelijke ontwikkelingsvraagstukken aan te pakken. De Europese ruimtelijke vraagstukken passen in een trend van ontwikkelingen van ruimtelijke beleidsvoering in Europa, waarin nieuwe beleidsarena's ontstaan die zowel de opkomende Europese ruimtelijke beleidsvoering omvatten als binnen de nationale beleidsstelsels passen.

In de hoofdstukken 3 en 4 wordt in een eerste reflectie een conceptueel en methodologisch kader ontwikkeld om de opkomende Europese ruimtelijke beleidsvoering te kunnen begrijpen en onderzoekbaar te maken. Allereerst wordt het concept van de 'locus' van Europese integratie wordt gedefinieerd dat ruimtelijke beleidsvoering als nieuw onderdeel van Europees beleid benoemt in de context van het proces van Europese integratie als geheel. De locus van Europese integratie verwijst enerzijds naar de ruimtelijke dimensie van het integratie proces die meer expliciet benoemd wordt en onderdeel van het Europees beleid zelf wordt. Anderzijds verwijst het naar de nieuwe vormen van beleidsvoering die daarmee ontwikkeld wor-

den en die op hun beurt bijdragen aan het voortgaande proces van Europese integratie. De nieuwe vormen van Europese beleidsvoering komen tot stand door het gebruik van vier verschillende planningmechanismen, die gezamenlijke meerlagige beleidsvoering te komen. Deel twee van het boek doet verslag van de casestudie die verricht voor elk van deze planningmechanismen in Europese beleidsvoering en die mede een van de vier onderzochte lidstaten omvat, om na te gaan welke beleidsarena zich rondom de Europese ruimtelijke ontwikkelingsvraagstukken heeft gevestigd. Daarbij wordt gekeken naar de samenstelling van de beleidsarena, de selecties die worden gemaakt en de manier waarop het ruimtelijke ontwikkelingsvraagstuk wordt geïdentificeerd, en naar de aard van de uitwisselingen en interacties tussen de betrokken partijen.

Met bijzondere aandacht voor noordoost Engeland is onderzocht hoe een beleidsarena ontstaat in onderhandelingen over ruimtelijke ontwikkelingen. De procedures voor de allocatie van de Europese structuurfondsen creëren situaties van onderhandelingen tussen lokale overheden, projectontwikkelaars en semi-publieke ontwikkelingsmaatschappijen en lokale maatschappelijke organisaties. De Britse centrale overheid speelt in deze regionale beleidsarena vooral via haar regionale vertegenwoordiging een coördinerende rol. De Europese Commissie neemt op cruciale momenten direct deel aan de regionale onderhandelingen hetgeen het maken van keuzes voor de regio als geheel bevordert. Mede hierdoor wordt een beperkt aantal strategische ontwikkelingsgebieden gekozen voor nieuwe bedrijfsterreinen, op locaties van voormalige industriegebieden in de directe nabijheid van de meest benadeelde wijken.

In Nederland is onderzocht in hoeverre de besluitvorming over de Hogesnelheidslijn onderdeel uitmaakt een beleidsarena rond het wervende ruimtelijk concept van trans-Europese netwerken. Het concept van trans-Europese netwerken brengt diverse aspecten van de aanleg van nieuwe infrastructuur met elkaar in verband. In de formele besluitvorming in Nederland over de *HSL-zuid* staat voornamelijk het tracé centraal. Daarnaast ontstaat een transnationale beleidsarena waarin Europese Commissie, Europees Parlement, Transportraad, vertegenwoordigers van de nationale ministeries van transport, spoorwegmaatschappijen en projectorganisaties deel uitmaken. Deze beleidsarena bestaat uit een aantal nauw verweven beleidssubarena's waarin beleidsprocessen rond concrete infrastructuraanleg verbonden is met inspanningen voor het realiseren van een geliberaliseerde transportmarkt en het creëren van randvoorwaarden voor technische interoperabiliteit van infrastructuurnetwerken.

Voor het creëren van het Europese ecologische netwerk van natuurgebieden Natura 2000 is met bijzondere aandacht voor de Duitse deelstaat Noordrijn-Westfalen onderzocht hoe een beleidsarena ontstaat rond het opbouwen van een gezamenlijke kennisbasis. Om gebieden te selecteren die onderdeel uitmaken van Natura 2000 moeten gegevens over specifieke natuurwaarden worden verzameld. In het mobiliseren van kennis en expertise die nodig is voor het verzamelen, beoordelen en toegankelijk maken van deze gegevens voor het beleidsproces, ontstaat een beleidsarena die een aantal onderling te onderscheid beleidssubarena's omvat

waarin op verschillende bestuurlijke niveaus vertegenwoordigers van overheid, kennisinstituten, natuurbeschermingsorganisaties vertegenwoordigd zijn. Op het lokale niveau mengen ook grondeigenaren en -gebruikers zich in het proces van gegevensverzameling, omdat zij zich door de formele betekenis van de Europese regelgeving in hun toekomstige gebruiksmogelijkheden beperkt zien.

In het Franse regionale natuurpark van de Vogezen is onderzocht hoe voor de uitvoering van Europese landbouwmilieumaatregelen aansluiting wordt gezocht bij een bestaande lokaal gewortelde beleidsarena. In de Franse regionale natuurparken werken diverse regionale en lokale overheden samen, met nauwe betrokkenheid van maatschappelijke organisaties, bedrijfsleven, zoals de landbouwvertegenwoordiging, en de inwoners van het gebied. De basis voor de tienjaarlijkse hernieuwde instelling van een regionaal natuurpark wordt met een handvest en een plan voor het park gelegd. De park organisatie en de zonering zoals die in het plan voor het park is neergelegd vormen voor de lokale boeren een vertrouwde beleidsarena om vrijwillig een contract te sluiten voor de een meer milieuvriendelijke landbouwpraktijk in het kader van de Europese landbouwmilieumaatregelen.

Het laatste deel betreft een reflectie op de casestudies waarin met name wordt teruggekeken op de rol van planning voor Europese beleidsvoering. Aan de hand van de bevindingen in de casestudies wordt geconcludeerd dat het gebruik van planning er, op heel verschillende manieren, aan bijdraagt dat ruimtelijke aspecten van een bepaald maatschappelijk vraagstukken in het centrum van het beleidsproces en besluitvorming wordt gebracht. Gezien het belang van de verticale gelaagdheid van bestuur en beleid in de context van Europese Unie, draagt planning bij aan het vermogen van partijen die op verschillende bestuurlijke niveaus opereren om tot gezamenlijke beleidsprocessen en besluitvorming over een vorm van gezamenlijk actie te komen. In elk van de casus is een ruimtelijke afweging centraal komen staan, die partijen die op verschillende bestuurlijke niveaus opereren in staat stelt aan bepaalde ruimtelijke schaalniveaus te refereren. Het gebruik van planning in Europese beleidsvoering draagt er zo werkenderwijs aan bij dat de locus van Europese integratie gevonden wordt.





